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ABSTRACT

In its 1986 regular session, the 49th Legislature of the State of Washington enacted legislation related to the day care needs of State employees. This report was submitted to satisfy the legislation's requirement that the Higher Education and State Personnel Boards study their governing statutes and administrative rules, coordinate their efforts, and submit to the Legislature a joint report containing the results of their work. Contents provide: (1) the text of Engrossed House Bill No. 1656, codified as RCW 41.04.385 RCW; (2) background information; (3) a summary of findings and recommendations; (4) concerns expressed by employees and representatives of labor organizations and findings of a survey of 32 State agencies concerning provisions, practices, and proposals; and (5) conclusions from the input and findings with recommendations for improved practices. (RH)

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WASHINGTON STATE

CHILD CARE ISSUES STUDY

A JOINT REPORT OF THE

HIGHER EDUCATION PERSONNEL BOARD

AND

STATE PERSONNEL BOARD

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OCTOBER 1986

WASHINGTON STATE

CHILD CARE ISSUES STUDY

In its 1986 regular session, the Washington State Legislature passed EHB 1656 (codified as RCW 41.04.385 RCW) relating to day care needs of State employees. This legislation required the Higher Education and State Personnel Boards to study their governing statutes and administrative rules and to coordinate and submit a joint report to the Legislature containing the results of these studies. This report is submitted to the Legislature to satisfy that legislative requirement.

Questions or comments regarding this report may be directed to any of the individuals listed on the reverse of this page.

Higher Education Personnel Board: 1202 Black Lake Boulevard
Mail Stop FT-11
Olympia, WA 98504

.John A. Spitz, Director
Telephone: 753-3730 (SCAN 234)

.Dorothy Gerard, Supervisor
Personnel Services
Telephone: 753-0381 (SCAN 234)

.Mary Baginski, Personnel Specialist
Personnel Services
Telephone: 753-3961 (SCAN 234)

Department of Personnel: 600 South Franklin
Mail Stop FE-11
Olympia, WA 98504

.Leonard Nord, Director
Telephone: 753-5358 (SCAN 234)

.Julia Graham, Manager
Administration Division
Telephone: 753-5406 (SCAN 234)

.Lou Ann Dunlap, Supervisor
Special Projects and Management Support
Telephone: 586-4457 (SCAN 321)

ENGROSSED HOUSE BILL NO. 1656

State of Washington 49th Legislature 1986 Regular Session

by Representatives Unsoeld, Hankins, Belcher, O'Brien, Hine, Jacobsen, Cole, Brekke, Miller, Long, Allen, Day, Dellwo, Wang, Leonard, Winsley, B. King, Locke, Lux, Wineberry and Todd; by request of Governor Gardner

Read first time 1/21/86 and referred to Committee on State Government.

AN ACT Relating to day care for state employees; adding a new section to chapter 41.04 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. A new section is added to chapter 41.04 RCW to read as follows:

The legislature finds that (1) demographic, economic, and social trends underlie a critical and increasing demand for child day care in the state of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; and (3) the state of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child day care needs. The legislature finds further that resolving employee child day care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the legislature declares that it is the policy of the state of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child day care needs.

NEW SECTION. Sec. 2. (1) The state personnel board created under chapter 41.06 RCW shall study chapter 41.06 RCW and other appropriate statutes and the rules adopted to implement them in order to identify areas where state law and administrative rule could be modified to recognize the importance of child day care and to create a supportive atmosphere in which state employees may meet their needs for child day care. Where appropriate, the board shall adopt or amend its rules in order to permit and encourage agency heads to

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carry out the purposes of this act.

(2) The higher education personnel board created under chapter 28B.16 RCW shall study chapter 28B.16 RCW and other appropriate statutes and the rules adopted to implement them in order to identify areas where state law and administrative rules could be modified to recognize the importance of child day care and to create a supportive atmosphere in which state employees may meet their needs for child day care. Where appropriate, the board shall adopt or amend its rules in order to permit and encourage agency heads to carry out the purposes of this act.

(3) The studies required under subsections (1) and (2) of this section shall include, but not be limited to, consideration of job sharing and part-time employment, flex-time and other alternative work schedules, flex-workplace opportunities, leave policies, orientation and training regarding personnel practices relating to working parent concerns, and the potential for developing state information and referral services.

(4) The state personnel board and the higher education personnel board shall coordinate and submit a joint report containing the results of the studies required under this section. The report shall include a description of the rules that have been adopted or modified or those proposed for adoption or modification, and recommended changes or additions to state law necessary to carry out the purposes of this act. The report shall be submitted no later than October 30, 1986, to (a) the governor, and (b) the chief clerk of the house of representatives and the secretary of the senate for submittal to and review by the appropriate standing committees of the legislature.

BACKGROUND

Legislation

The Legislature, in its 1986 regular session, passed EHB 1656 (codified as 41.04.385 RCW) dealing with state employee child care issues. In that legislation, the Legislature stated that:

> "(1) demographic, economic, and social trends underlie a critical and increasing demand for child day care in the State of Washington; (2) working parents and their children benefit when the employees' child care needs have been resolved; and (3) the State of Washington should serve as a model employer by creating a supportive atmosphere, to the extent feasible, in which its employees may meet their child day care needs. The Legislature finds further that resolving employee child day care concerns not only benefits the employees and their children, but may benefit the employer by reducing absenteeism, increasing employee productivity, improving morale, and enhancing the employer's position in recruiting and retaining employees. Therefore, the Legislature declares that it is the policy of the State of Washington to assist state employees by creating a supportive atmosphere in which they may meet their child day care needs."

This legislation required the Higher Education and State Personnel Boards to study their appropriate statutes and the rules adopted to implement them in order to identify areas where state law and administrative rule could be modified to recognize the importance of child day care and to create a supportive atmosphere in which state employees may meet their child day care needs.

Methodology

1. Higher Education Personnel Board

   The Higher Education Personnel Board's (HEPB) study involved a two-fold approach. The state's twenty-nine higher education institutions provided input relative to current practices and potential rule revisions through their responses to the child care issues survey questionnaire. A meeting between HEPB staff and interested parties provided employees with an opportunity to express their concerns.

2. State Personnel Board

   To carry out the legislative mandate, the State Department of Personnel also used a two-fold approach. (1) An extensive child care issues survey questionnaire was mailed to forty Civil Service agencies for their perspective and input; and (2) "brown-bag" discussion sessions were held with state employees on Capitol Campus in order to gain employee input.

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SUMMARY OF FINDINGS AND RECOMMENDATIONS

The following is a brief summary of the legal provisions, institutions' practices, and employee considerations relating to accommodation of state employees' child day care needs. Proposed modifications to Higher Education Personnel Board (HEPB) rules and other recommendations are also included. The rule modifications are covered in greater detail in the Conclusions and Recommendations section of this report. This summary pertains only to those institutions and employees under the jurisdiction of the Higher Education Personnel Board as authorized in state higher education personnel law, Chapter 28B.16 RCW.

LEAVE FOR PURPOSES RELATING TO CHILD CARE

HEPB rules contain provisions which allow employees to use vacation leave, sick leave, and leave of absence without pay for child care purposes. As written, the current rules allow the institutions a substantial degree of independence in the administration of rules. In practice, some institutions are more flexible than others in rule interpretation and application. It is proposed that rules be modified to ensure more equitable and consistent treatment of employees.

Seniority does not continue to accrue during a leave of absence without pay for maternity/child care purposes. Most institutions are opposed to any changes in the current provision for seniority accrual.

The economic situations of many institutions preclude allowing all employees to intersperse a leave of absence without pay with vacation leave and sick leave in order to remain in pay status and therefore continue health care coverage. It is recommended that the Legislature provide funding to allow health care coverage to continue at the institutions' expense for all employees on unpaid leave for maternity/child care purposes.

REEMPLOYMENT OF PERSONS WHO RESIGN FOR CHILD CARE REASONS

All former employees who have terminated for any reason are treated the same. Rules do not provide for a special reemployment eligible list, and if reemployed, seniority is not reinstated for individuals who have terminated employment for child care reasons. Most institutions support existing rules. Changes to the current provisions are not proposed.

JOB SHARING AND PART-TIME EMPLOYMENT

HEPB rules contain provisions for part-time employment but do not explicitly address job sharing arrangements. Both part-time and shared positions do exist among classified employees. Part-time positions and job sharing arrangements result in increased costs to the institutions. The cost of employer paid insurance benefits remains constant whether an employee works twenty or forty hours per week; i.e. each twenty hour employee receives full benefits, thereby raising the institutions' expenses. Therefore, institutions are less likely to approve of such positions. Staff will propose rules to

address job sharing. It is recommended that the Legislature provide funding to institutions to provide for the increase in costs.

FLEX-TIME AND FLEXIBLE WORK PLACE OPPORTUNITIES

41.04 RCW directs state agencies to utilize flex-time schedules to the maximum extent possible. Several institutions have established policies and implemented flex-time schedules where feasible. Flexible work place options are not currently offered to employees. However, some institutions did indicate that such a concept may be applicable to a limited number of positions. Further study of the feasibility of flexible work place options may be appropriate at those institutions. Staff will propose that flex-time schedules and flexible work place opportunities be addressed in the rules to encourage greater utilization.

INFORMATION AND REFERRAL SERVICES

Some institutions are able to provide child day care information and referral on an informal basis. Other institutions indicate that community sources appeared to be adequate in meeting employee needs. Institutions do not have the necessary resources available to develop information and referral services.

CHILD DAY CARE CENTERS

Twenty-five child care centers are located on state university and college campuses. Approximately fourteen of these centers offer services to employees on a space-available basis. It is recommended that where appropriate, facilities be expanded to allow for more employee utilization.

COMMUNICATION OF PROVISIONS

There is no uniform method used to ensure that all employees and management personnel are fully informed of rule provisions and policies which relate to working parent concerns. HEPB staff will ensure that pertinent rules are identified as such in the HEPB rules index.

Good personnel practices would indicate the need for institutions to methodically disseminate all applicable information to personnel through written materials and informational seminars where appropriate. This information might also include a listing of any community child care information and referral services available.

SUMMARY OF FINDINGS AND RECOMMENDATIONS

The following is a brief summary of the legal provisions, agency practices, and employee considerations relating to accommodation of state employees' child day care needs. Suggestions for further action are also included. This summary pertains only to those state agencies and employees under the jurisdiction of the State Personnel Board as authorized in 41.06 RCW and Chapter 356 WAC (the Merit System Rules). These conclusions are discussed in greater detail in the Conclusions and Recommendations Section of this report.

A. LEAVE FOR PURPOSES RELATING TO CHILD CARE

The Merit System Rules contain several provisions allowing paid and unpaid leave to be taken by employees for child care reasons. As employers, agencies tend to be quite permissive in granting leave-without-pay (LWOP) for child care reasons. However, there is considerable inconsistency among agencies in the granting of paid sick leave for child care purposes, particularly when used in conjunction with LWOP.

It is recommended that the Merit System Rules be revised to clarify the conditions under which paid sick leave may be used for child care reasons, particularly for use in conjunction with child care LWOP. Such a change should reduce the potential of inequitable treatment of employees across agency lines.

Other findings show that employees on LWOP for child care reasons (i.e., maternity/paternity leave) do not necessarily receive insurance benefits nor do they accrue seniority credits. Almost all agencies allow employees to use at least one day of paid leave per month during LWOP in order to retain insurance benefits. Agencies are divided on the question of whether seniority should continue to accrue during such LWOP.

B. REEMPLOYMENT OF EMPLOYEES WHO RESIGN FOR CHILD CARE REASONS

Employees seeking reemployment with the state after resigning for child care reasons are treated no differently than others who seek reemployment. Also, if such employees are reemployed, their seniority is not reinstated. Most surveyed agencies voted against the establishment of priority reemployment rights for former employees who resigned for child care reasons. Approximately one-half felt that seniority should not be reinstated if the employee returns to work.

C. PART-TIME EMPLOYMENT AND TANDEM EMPLOYMENT (JOB-SHARING)

The Merit System Rules clearly allow for part-time and tandem employment. Most agencies indicate flexibility in allowing such working arrangements, but have no formal policies concerning such use. The use of tandem employment is not nearly as widespread as part-time employment.

D. FLEXIBLE WORK SCHEDULES (FLEX-TIME)

The Merit System Rules and RCW 41.04 require agencies to develop appropriate flex-time work schedules. Most agencies have such policies and a large number of employees use flex-time. No change in current provisions is recommended.

E. FLEXIBLE WORKPLACE

There is no specific mention of flexible workplace in the Merit System Rules. The few agencies using such an option do so on a very limited basis.

Specific provisions in the Merit System Rules for flexible workplace might encourage creative and increased use. Also recommend that the viability and cost/benefit of flexible workplace utilization be further studied.

F. COMMUNICATION OF PROVISIONS AND POLICIES

There are no uniform, regular means by which all employees and supervisors are fully informed of the provisions existing in statute and rules for accommodating working parents' child care concerns. Recommend that the Department of Pesonnel design explanatory brochures or other written material to be shared with all employees on a routine basis. These might be supplemented by informational seminars as appropriate.

G. INFORMATION AND REFERRAL SERVICES

There are no provisions in the current system for referral services for employees looking for day care providers. This issue was not specifically addressed by the agencies nor employees responding in this report. More thorough research is recommended.

H. EMPLOYER-SPONSORED DAY CARE FACILITIES OR DAY CARE SUBSIDIES

A self-supporting day care center for children of state employees was established in RCW 41.04 as a pilot project. The center is located on the capitol campus with a very limited capacity of 29 children. Recommend expansion of center.

Agencies and employees offered comments in support of providing more day care facilities for employees' children and/or subsidizing day care costs, perhaps in the form of a cafeteria benefit. Payroll deductions for day care costs was also mentioned.

Thorough research of this issue was beyond the scope of this study. However, the comments received are included in the main body of this report.

PROVISIONS/PRACTICES/PROPOSALS--SURVEY

All twenty-nine state higher education institutions responded to a survey questionnaire which requested input on several Higher Education Personnel Board (HEPB) rules related to working parent concerns. The level of top management involved in the preparation of survey responses varied from institution to institution.

The following summarizes the current provisions of applicable HEPB rules (Title 251 WAC); the institutions' practices in administering these rules; and the institutions' responses to proposals for rule modifications. A representative sampling of the institutions' comments are included where appropriate.

MATERNITY LEAVE

Rules

251-22-070 VACATION LEAVE--USE.

(1) Vacation leave may not be taken until an employee has completed six months of continuous employment. An employee bringing an accrued balance from another state agency may use the previously accrued vacation leave during the institutional probationary or trial service period.

(2) All requests for vacation leave must be approved by the employing official or designee in advance of the effective date.

(3) Vacation leave shall be scheduled by the employing department at a time most convenient to the work of the department, the determination of which shall rest with the employing official. As far as possible, leave will be scheduled in accordance with the wishes of the employee in any amount of the total of his/her earned leave credits.

(4) Paid vacation leave may not be used in advance of its accrual.

251-22-110 SICK LEAVE--USE.

(1) Sick leave shall be allowed an employee under the following conditions:
   (a) Because of and during illness, disability or injury which has incapacitated the employee from performing required duties.
   (b) By reason of exposure of the employee to a contagious disease during such period as attendance on duty would jeopardize the health of fellow employees or the public.
   (c) Because of emergencies caused by serious illness in the immediate family that require the employee to provide immediate necessary care of the patient or to make arrangements for extended care. Immediate family shall be as defined in WAC 251-22-112. The personnel officer may authorize sick leave use as provided in this subsection for other than immediate family. The applicability of "emergency," "necessary care" and "extended care" shall be made by the personnel officer.
   (d) Because of a death in the immediate family of the employee that requires the assistance of the employee in making arrangements for interment of the deceased.
   (e) For the purpose of medical, dental, or optical appointments, if

arranged in advanced with the employing official or designee.

(2) Sick leave may be granted for condolence or bereavement.

251-22-111 SICK LEAVE--REPORTING--VERIFICATION.
(1) Employees shall report illness or disability to the immediate supervisor at the beginning of any period of sick leave and daily thereafter unless prearranged.
(2) Upon returning to work, the employee may be required by the employing official to submit a written statement or medical certificate explaining the nature of the disability.

251-22-115 MATERNITY LEAVE.
Maternity leave shall be granted for the period of time that a woman is sick or temporarily disabled because of pregnancy or childbirth. Accrued sick leave may be used during the temporary disability resulting from pregnancy.

251-22-200 LEAVE OF ABSENCE WITHOUT PAY.
(1) Leave of absence without pay may be allowed for any of the following reasons:
    (a) Conditions applicable for leave with pay;
    (b) Maternity leave;
    (c) Educational leave;
    (d) Leave for government service in the public interest;
    (e) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-18-381.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment.

251-22-210 LEAVE OF ABSENCE--DURATION.
Leave of absence without pay shall not exceed twelve months except for educational leave which may be allowed for the duration of actual attendance and leave for government service in the public interest. Leave of absence without pay may be extended for an additional twelve months upon signed request of the employee and signed approval of the employing official or designee and the personnel officer. Additional leave of absence without pay may be approved by the personnel officer.

251-22-220 LEAVE OF ABSENCE--EMPLOYEE RIGHTS.
Employees returning from an authorized leave of absence shall be employed in the same position or in another position in the same class in the same geographical area and organizational unit, providing that such reemployment is not in conflict with rules relating to reduction in force.

Summary of Institutions' Practices

In accordance with WAC 251-22-115, institutions grant maternity leave for the time period that a female employee is sick or temporarily disabled due to pregnancy or childbirth. Use of accrued sick leave is authorized for the duration of the disability period. If an employee has not accrued sufficient sick leave, vacation leave and leave of absence without pay may be authorized for maternity leave. If an employee desires additional time off beyond the period of disability, use of accrued vacation leave or leave of absence without pay may be granted on the basis of the employing department's ability to maintain effective operations during the employee's absence.

With one exception, survey responses indicate that institutions limit the duration of sick leave use for maternity leave only by the amount of sick leave accrued; according to the attending physician's written recommendation; or to six weeks, unless the attending physician certifies that additional time is required for recovery. One institution stated that sick leave use is normally limited to two weeks. However, if the employee believes this to be an inadequate time period for recovery, additional sick leave usage is authorized.

Survey Question

Would your institution support a rule change to allow employees to use all accrued sick leave during maternity leave absent any disability or illness?

**	No	Yes	No position
UW & WSU	2		
Other 4 Year Institutions	3		1
Community Colleges	17	3	3

A sampling of the institutions' comments follow:

- Sick leave is intended to provide a protection against illness, injury, and/or other disabling conditions. To expand its usage to cover non-disabling situations may leave its intended purpose uncovered. Also, lengthened sick leave usage extends the period of time the college must either: (1) make-do with temporary help (normally there are no funds for this), (2) put extra load on other employees (although glad to help out

**
Approximately 66% of all classified staff are employees at the UW and WSU. The balance are roughly equally divided between the other 4 year institutions and community colleges.

for the short run, they begin to resent it over time), or (3) curtail services until the employee on maternity leave returns. None of these are desirable alternatives.

- Allowing a certain class of employees to use sick leave absent any disability or illness is discriminatory.

- This would necessitate a policy which would allow fathers to use accrued sick leave in paternity leave situations.

- Yes, but the length of time away from the job should be a consideration. Just because someone has 120 days of sick leave doesn't mean a leave of that length is justified.

SENIORITY ACCRUAL DURING UNPAID LEAVE

Rules

None applicable. However, HEPB rules provide that leaves of absence without pay scheduled for cyclic year positions shall be included when calculating layoff seniority for these employees. That time spent on a leave of absence without pay for maternity/child care purposes is not credited towards seniority accrual.

Summary of Institutions' Practices

Not currently an institutional practice.

Survey Question

Would your institution support a rule change to allow accrual of seniority during unpaid maternity leave?

	No	Yes	No position
UW & WSU	2		
Other 4 Year Institutions	4		
Community Colleges	13	6	4

A sampling of the institutions' comments follow:

- Before we add or modify rules to provide additional benefits to maternity situations, the entire paid leave and leave without pay philosophy and concept should be reviewed.

- No. Failure to provide all employees with such an opportunity would be tantamount to discrimination.

- No. All leaves of absence without pay should be treated the same.

- If seniority were allowed to accrue during maternity leave, a maximum of three months leave without pay would need to be established as a limit. An analysis of the impact of child care on retirement credit would need to be completed. Changes in the retirement rules to allow for child care credit would be needed.

- Yes, if there is a reasonable limitation on the length of maternity leave. I would think for someone who intends to maintain employment with an agency that 90 to 120 days should be sufficient for maternity leave. I probably wouldn't quibble over six months. Under these circumstances the accrual of seniority is acceptable.

SICK LEAVE USE FOR CHILD CARE EMERGENCIES

Rules

251-22-110 SICK LEAVE--USE.

(1) Sick leave shall be allowed an employee under the following conditions:
   (a) Because of and during illness, disability or injury which has incapacitated the employee from performing required duties.
   (b) By reason of exposure of the employee to a contagious disease during such period as attendance on duty would jeopardize the health of fellow employees or the public.
   (c) Because of emergencies caused by serious illness in the immediate family that require the employee to provide immediate necessary care of the patient or to make arrangements for extended care. Immediate family shall be as defined in WAC 251-22-112. The personnel officer may authorize sick leave use as provided in this subsection for other than immediate family. The applicability of "emergency," "necessary care" and "extended care" shall be made by the personnel officer.
   (d) Because of a death in the immediate family of the employee that requires the assistance of the employee in making arrangements for interment of the deceased.
   (e) For the purpose of medical, dental, or optical appointments, if arranged in advanced with the employing official or designee.

251-22-111 SICK LEAVE--REPORTING--VERIFICATION.

(1) Employees shall report illness or disability to the immediate supervisor at the beginning of any period of sick leave and daily thereafter unless prearranged.
(2) Upon returning to work, the employee may be required by the employing official to submit a written statement or medical certificate explaining the nature of the disability.

251-22-112 BEREAVEMENT LEAVE.

Sick leave in addition to that as provided in WAC 251-22-100 shall be granted for bereavement as follows:
   (1) One day of bereavement leave shall be granted for each death in the immediate family. Bereavement leave may be extended to a maximum of three days with the approval of the employing official and the personnel officer.
   (2) For the purposes of this rule, the immediate family is defined as mother, father, sister, brother, mother-in-law, father-in-law; husband, wife, children, grandparents, and grandchildren.

Summary of Institutions' Practices

In accordance with WAC 251-22-110(1)(c), institutions allow employees to use sick leave when a child's serious illness causes the employee's absence from work. Responses to the following survey question indicate that some institutions are more flexible in the application of this rule than others; i.e: the conditions under which leave is granted and/or the period of time for which it is granted varies between institutions.

Survey Question

How does your institution apply WAC 251-22-110(1)(c) to allow sick leave use for child care emergencies?

A sampling of the institutions' comments follow:

- The interpretation and application of WAC 251-22-110(1)(c) at the present time is a judgment of the employee's supervisor. Since these are very short term absences, they are handled by supervisors as other requests for sick leave. We do not currently have an institutional policy as to what constitutes "emergencies."

- Frankly, we sometimes turn our heads to what we know to be infractions of the rule's stated provisions. The rule says sick leave may be used for "emergencies caused by serious illness in the immediate family that require the employee to provide immediate necessary care of the patient or to make arrangements for extended care." There is no real way to police whether we are dealing with emergencies.

- Such use of sick leave is limited to one day per occurrence of a child's illness. If an employee requires more time off, vacation leave may be used.

- Employing officials are given leeway to determine when an employee will be granted sick leave to care for an ill child. We have not encountered any abuse of this practice.

- After the employee informs his/her supervisor of the nature of the emergency, he/she is usually granted from three to five days of sick leave.

- If the request is for an extended period of time, a physician's statement is required.

- Permits the employee to use sick leave for child care emergencies for short period of time only. Maximum of two days.

- When a child is sick or has a physician's appointment, verification is not always required but may be.

- Sick leave usage is allowed when an employee's child is ill -- does not allow sick leave for child care unless child is ill.

- Use of sick leave is not permitted for child care emergencies (such as a babysitter's not showing up). This must be charged as annual leave, subject to the department head's approval, or as LWOP. An employee may, however, use his or her sick leave for sick child care emergencies.

Survey Question

Should WAC 251-22-110 be revised? If so, in what way?

	No	Yes	No position
UW & WSU	1	1	
Other 4 Year Institutions	2	1	1
Community Colleges	16	5	2

A sampling of the institutions' comments follow:

- As it now reads, the rule has been both general enough and specific enough to allow administration to treat employees fairly.

- We do not see the necessity for a revision. It seems to have enough flexibility to meet the employee's and the institution's needs.

- No. The rule accommodates the needs of employees and falls within guidelines for sound and reasonable personnel management practices.

- Yes. To allow for the use of sick leave for non-illness related emergencies, including child care emergencies.

- Yes. The language has the potential for presenting problems in equity from unit to unit or college to college.

- Yes. Need to clearly define use of sick leave for other family members' illness.

- It could state more clearly whether and/or to what extent an employee may use sick leave to stay home with a non-seriously ill child.

- The current annual and sick leave provisions could be abolished and replaced with a Personal Leave concept which does not differentiate between absences for illness or vacation, but instead accepts the fact that employees have a right to be away from their jobs for a given amount of time if they have secured advance approval (except in the case of emergency). Those blessed with good health may have more vacation time available. Those with sick children need not be tempted to claim personal illness in order to qualify for sick leave; it wouldn't matter who was sick - Personal Leave would simply be charged and the accrual reduced accordingly. Distinctions between the proper use of sick or annual leave would become unnecessary. The total leave accrued under such a plan should probably be less than the total available now because there would be more ready access to it.

CONTINUATION OF SEIB BENEFITS

Rules

251-22-200 LEAVE OF ABSENCE WITHOUT PAY.

(1) Leave of absence without pay may be allowed for any of the following reasons:
   (a) Conditions applicable for leave with pay;
   (b) Maternity leave;
   (c) Educational leave;
   (d) Leave for government service in the public interest;
   (e) To accommodate annual work schedules of employees occupying cyclic year positions as specified in WAC 251-18-381.

(2) Requests for leave of absence without pay must be submitted in writing to the employing official or designee and must receive the approval of both the employing official and the personnel officer.

(3) Leave of absence without pay extends from the time an employee's leave commences until he/she is scheduled to return to continuous service, unless at the employee's request the employing official and the personnel officer agree to an earlier date.

(4) Vacation leave and sick leave credits will not accrue during a leave of absence without pay which exceeds ten working days in any calendar month.

(5) A classified employee taking an appointment to an exempt position shall be granted a leave of absence without pay, with the right to return to his/her regular position, or to a like position at the conclusion of the exempt appointment; provided application for return to classified status must be made not more than thirty calendar days following the conclusion of the exempt appointment.

Summary of Institutions' Practices

There is considerable inconsistency among institutions in allowing use of vacation leave and sick leave in conjunction with a leave of absence without pay.

Survey Question

While on leave without pay for family medical situations, are employees allowed to intersperse vacation leave or sick leave to be in pay status and therefore continue SEIB benefits?

	No	Yes	No position
UW & WSU	2		
Other 4 Year Institutions	3	1	
Community Colleges	7	15	1

A sampling of the institutions' comments follow:

- Employees are allowed to be in pay status to continue SEIB benefit while on leave without pay.

- We have done this in a number of instances where we felt it was appropriate.

- We have dealt with cases on an ad hoc basis to provide SEIB benefits.

- In some situations, this may occur. If the leave without pay is for a lengthy period, self-pay requirements may be imposed.

- Yes, employees are allowed to use vacation leave for a maximum of three months for a period of leave without pay with a specific ending date.

- Only personal holiday may be interspersed.

- It has been the unofficial policy to allow this practice under extenuating circumstances as determined by the Personnel Officer. Obviously, we would want to be reasonable in providing an opportunity for employees to continue SEIB benefits.

- No. As much as possible manipulation of leave to obtain employee benefits such as SEIB benefits, leave credits, holiday pay, and the like is not permitted and is controlled by 1) not granting leave without pay if an employee has applicable accrued paid leave available and/or 2) defining a period of leave without pay as the time the employee leaves work (or the employee's paid leave is exhausted) until the employee returns to work.

- No. It is a frequently recurring request, but we believe it is an unwarranted exploitation of SEIB rule which says that if an employee is on pay status for one day in the month, the institution must pay the premium. It is also a violation of HEPB rules. In addition, it would take a hundred dollars of paperwork and administrative time to process the changes of status for each transaction.

- No. In 1985, an employee requested to be on leave without pay status, except for the usage of one day per month to maintain insurance benefit coverage. At that time we called the SEIB office for a determination and we were advised that employees could not intersperse leave accrual for this purpose.

- No. Employees always make the request but the best deal we give them is to structure their leave of absence in such a manner that they get coverage on their first and last month of leave.

REEMPLOYMENT OPPORTUNITIES FOR FORMER EMPLOYEES

Rules

None applicable. However, HEPB rules provide that eligible lists be used for filling classified position vacancies in the order of priority as listed below:

Institution-wide layoff list
Organizational unit promotional list
Institution-wide promotional list
Special employment program layoff list
State-wide layoff list
Interinstitutional employee list
Intersystem employee list
Open competitive list

Summary of Institutions' Practices

A reemployment eligible list does not exist for persons who have terminated from service. Open competitive examinations are open to all persons who meet the minimum qualifications for the class. Persons previously employed would clearly have a distinct advantage over other open competitive candidates due to their on-the-job experience.

Survey Question--Would your institution support creation of a new eligible list designation for employees who resign for child care reasons to allow them priority reemployment opportunities? If so, over what existing eligible lists should this list be placed? Under what conditions should former employees have access to this register?

	No	Yes	No position
UW & WSU	2		
Other 4 Year Institutions	2	2	
Community Colleges	14	6	3

Positive responses varied considerably, from placing such a list immediately above the open competitive list to immediately below the institution-wide layoff list and providing from one to three years access to the list.

Negative comments included but were not limited to the following:

- Competent employees who resign and want to be reemployed do not need preferential treatment. They would have the greatest chance of returning to employment because of their excellent previous service. Those without such a work history should not have preferential treatment, whether it's for child care or any other such reason.

- Why would those leaving for child care reasons be treated any differently from those who leave for other positive reasons (getting additional training, etc.)?

- Employees resign for many reasons, child care being only one. Employees choosing to resign from an organization need to consider the many ramifications of resignation.

Survey Question

Should individuals reemployed through the above conditions be allowed to reinstate their former seniority (or some portion thereof) upon return?

	No	Yes	No position
UW & WSU	2		
Other 4 Year Institutions	4		
Community Colleges	12	7	4

A sampling of the institutions' comments follow:

- No. People terminate for all sorts of good reasons. If seniority is restored for "maternal terminations", it should be restored to others who terminated in good standing.

- All seniority reinstatement should be consistent for all employees.

- No. The current rules provide for a returning employee to reinstate all of their sick leave balance within three years and to utilize previous service towards future vacation leave accrual.

- It would seem that criteria for implementation would be a problem. Questions of how it could be fairly applied where rights to retain jobs are involved would be a major concern.

- If the previous employee is re-employed, there could be some seniority privileges, perhaps on a 1-for-2 basis, but I would object to giving full seniority rights to any individual who quit work for any reason.

- Perhaps, but only after the employee satisfactorily completes a six-month probationary period.

- Yes. Pick up all seniority for time worked during employment (but not include the leave without pay time).

JOB SHARING AND PART-TIME EMPLOYMENT

Rules

251-01-270 PART-TIME EMPLOYMENT.
Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

Summary of Institutions' Practices

Job sharing arrangements and part-time positions result in an increased cost of employer paid benefits. The cost of insurance benefits is the same for both part-time and full time positions.A drawback for employees is the requirement to work at least ninety hours a month to receive retirement credit under PERS Plan 2.

Data was unavailable for the number of employees working in part-time classified positions. A limited number of job sharing situations exist among classified employees.

The following were included in the institutions' comments on job sharing arrangements:

- No separate records of job sharing arrangements are maintained. There are probably no more than thirty such arrangements throughout the campus.

- We have no positions that are assigned as "shared positions"; we have people who have requested the opportunity to "job share" and in those cases we have accommodated the requests. All employees were making the request because of child rearing considerations.

  The institution is less likely to approve of shared jobs because of the additional cost in benefits. The benefits can, in lower paying jobs, amount to 25% of the salary received. The benefits must come from some place. The usual place has been from student work study hours or temporary employee's positions.

- Job sharing is a fine concept for employees, and in some cases, for an employing official. It is expensive since half-time employees receive the same medical and hospitalization program benefits as full-time employees. It is difficult to find, at least in our budgets, an additional $167.00 per month for each "job-sharing" position. Job sharing also can be difficult because of "continuity" and "coordination" problems, especially in small offices or units.

- Our institution would be more supportive if (1) the additional employee benefit costs (e.g., insurance contribution, industrial insurance and unemployment taxes) were recognized and funded at the state level and (2) classified personnel rules (e.g., in selection, scheduling, layoff) were revised to allow the flexibility required of such arrangements.

FLEXIBLE WORK SCHEDULES AND WORK PLACE OPPORTUNITIES

Rules

None applicable.

Summary of Institutions' Practices

Twenty-five institutions allow flex-time schedules to be implemented where department operations permit. Flexible work schedules seem feasible for some small institutions only during the summer months when campus activity is at its lowest.

Survey Question

What problems, if any, have these flexible work schedules created for your institution?

Comments from those institutions identifying problems were:

- The single minor problem is that occasionally units have too few employees available for efficient office coverage.

- The problem faced with the summer flex hours is that staff in some areas are not available when the need arises.

- We are a small place and often we have some units with only one employee. That employee cannot receive the same treatment and flexibility as can an employee who is working in an office with several people to handle the public traffic. This has caused some resentment in some offices. On the other hand, in offices where there is only one employee and the supervisor, employees have been permitted to bring newborns to work. This has caused resentment in the large offices that cannot permit such to occur.

- The problems that have surfaced are several:
  a) FLSA requires accurate record keeping of hours worked. A true flextime schedule in single shift work units with one supervisor makes it difficult to monitor an employee's work activities.
  b) It is difficult to cover responsibilities and duties required of an office when it is not known when an employee will report to work or leave the workplace.
  c) FLSA's "tacit" approval of overtime worked when an employee works overtime on his or her own initiative.
  d) Security problems.
  e) Allocation problems.

- Some types of problems are: (1) Some jobs simply do not lend themselves to a flexible work schedule because it is necessary to cover a particular work station for a period of time, e.g., switchboard, registration desk, etc. (2) Other employees resent having to accept less desirable schedules to accommodate the needs of the employee with child care concerns. (3) The greatest general problem is matching institutional needs with

individual worker needs.

- The primary problems have been in the area of record keeping and reporting. However, these have not been significant.

There are no instances of classified employees utilizing flexible work place options. However, several institutions believed that such options might be feasible for positions requiring extensive computer interaction.

CHILD CARE CENTERS AND INFORMATION/REFERRAL SERVICES

Rules

None applicable.

Summary of Institutions' Practices

There are twenty-five child care facilities located on state university and college campuses. Although these child care centers were established primarily for student use, approximately fourteen centers enroll a limited number of employees' children as space permits (in some cases this is only during summer months).

Survey Question

What is the potential for developing a child care information/referral service at your institution?

Six institutions reported that employees requiring child care information/referral may be assisted by child care staff or individual departments, such as Child and Family Studies Department. Several institutions stated that community sources appeared to be adequate in meeting employee needs. Other comments included the following:

- We'd be glad to make the information available to employees if it were provided to us. We do not have staff available to develop such a resource at this time.

- The potential exists if there is funding available. The present funding models from the state for regular operational necessities do not allow for this type of full employee service without additional state funding.

- We feel the informal availability of information from Early Childhood Education program staff is adequate for our employee needs. Because of the staff time needed to develop and keep up-to-date a formal referral service, we would not see that as feasible or needed for this campus.

- This does not seem to be of a critical nature with our employees. After reviewing the data available to us, out of approximately 170 full time employees, we accounted for 12 children under the age of five.

- Employees have a daycare committee seeking to determine their daycare options and to determine the feasibility of beginning their own center. An information/referral service would be a part of their deliberations.

- A coalition of concerned local organizations, including the City of Tacoma and Pierce County governments, have been meeting with a long-range goal of establishing a Child Services Network. As a first step, their September, 1986 meeting agenda will focus on developing a funding strategy to obtain the $25,000 to $30,000 needed to initiate a one-year information and referral project, with a proposed starting date of January 1, 1987.

COMMUNICATION OF PROVISIONS

Rules

None applicable.

Summary of Institutions' Practices

Institutions were asked how employees, managers, and supervisors are made aware of provisions that relate to parenting concerns. Institutions indicated that a combination of various methods are used. These include communication with the Personnel Office, policies manuals, handbooks, rule distributions, staff meetings, staff newsletters, training sessions, memoranda, and individual contact with supervisors. Responses which deviated from the norm follow:

- No special effort is made to make employees aware of rules that would effect them as parents. We attempt to make our employees aware of rules which affect them on all subjects, but no special effort is given to this topic.

- Managers/supervisors are encouraged to talk to employees about their personal concerns. Personnel Officer is consulted where rules affect work schedules and the like.

- We have not adequately communicated the existing provisions. More needs to be done to inform managers and supervisors of current provisions available.

- Employees receive basic information about all types of benefits. They may also contact the personnel officer and simply ask about what is available. Many employees have done that and I assume will continue to do so. There are also many informal contacts with supervisors, counselors or others who are aware of what provisions are available. When the questions of maternity leave arise, most managers contact the personnel office for additional information to give to employees. All managers/supervisors receive information regarding leave policies and practices through meetings and written information. How "informed" all managers/supervisors are is more difficult to say. These issues have been discussed in a number of different types of managers' meetings.

  However, how well informed an individual manager or supervisor is may depend on whether or not there is an employee in the group who has needed the information and the supervisor has pursued the issue in greater depth.

GENERAL OPINION

Survey Question

Does your institution believe that existing rules provide adequate accommodation to working parents to meet their child care needs?

	No	Yes	No position
UW & WSU	1	1	
Other 4 Year Institutions	3	1	
Community Colleges	2	19	2

A sampling of the institutions' comments follow:

- Yes, adults have a host of responsibilities when they choose to be parents. Many of these responsibilities are difficult, but I believe current state rules are reasonable, and that parents who want to find reasonable solutions for child care and related issues, can do so. Obviously, it could be made easier if the state were to take over many of these burdens and pick up the cost. This would seem to me to be a relatively low priority in view of all the important human needs that are currently unmet.

- Existing rules provide adequate accommodation to working parents' needs, other than providing for the funding of an adequate child care facility.

- I sincerely believe that existing HEPB rules provide adequate accomodations to working parents to meet their child care needs. Since coming to work for the college 13 years ago I have had 3 maternity leaves and have had to take off time from work to accommodate children's illnesses and hospitalizations and feel the State has provided more than adequate benefits to cover this. Possibly what has made it easier for me is that our college is liberal and caring when it comes to taking care of the needs of an employee's family. Perhaps this is not so at other institutions.

- Generally, yes. We suggest, however, that the term "vacation leave" be changed to "annual leave" or "personal leave" and child care emergencies be listed as a use appropriate to this leave class, or that sick leave be expanded to provide for child care emergencies or that a provision be made allowing conversion of accumulated sick leave into "child care leave" upon request and approval of appropriate individuals.

- Yes, when such needs are balanced against the college's (taxpayer's needs). The mission of our colleges is to educate our students. If these special employee benefits can be provided without impeding that mission, that's wonderful; but the education of our students must remain the college's first priority so long as that is our mandated mission.

- Today's rules are not structured to provide adequate accommodation. Institutions can find ways to provide adequate accommodation; however, the rules were developed following old and so-called traditional patterns. Our current work force is different, i.e., we have more single parents or

households with both parents working. Pressures of the work place and pressures of family life stretch some employees pretty thin, resulting in poor work in some cases and increased emotional stress in most all cases.

- This university supports the creation of an environment where the needs of working mothers are taken into account. However, in general, we believe the present rules are broad enough to accommodate the flexibility needed, so long as management is sensitive to the problem.

- It is possible that no institution ever gives enough accommodation to working parents. However, in comparison with many business organizations, I believe that we do a great deal more than most organizations to accommodate employees both with sick leave, other kinds of leave, and other ways of working out schedules and accommodations. In order to seriously provide "adequate" accommodation this would appear to require considerably enhanced states and/or federal support.

- No, the existing rules do not provide adequate accommodation to working parents to meet their child care needs. The current emphasis is on illness (of the child) and disability (of the mother due to pregnancy/childbirth). No leave policy specifically addresses the day-to-day parenting concerns of our employees.

- No. We believe that WAC 251-22-110(c) is an example of a rule that parents may feel does not adequately accommodate their child care needs. We feel there may be other such restrictions that merit exploring, but recognize such a study would involve greater detail and input from other sources than can be addressed in this questionnaire.

- No. Women are often threatened with disciplinary action because of excessive absenteeism. Because of the rules that don't provide for taking sick leave to stay home with sick children, women must say they are ill. Since we provide a finite number of hours per year for sick leave now, changing the name of it to "personal leave" will not create new costs for state funded institutions but will be a cost item for self-supporting organizations. Since both the University of Washington and Washington State University are more than 50% nonstate funded it is accurate to state that any change to the current policy will be a sizable cost to Higher Education.

Survey Question

Are there any other additional suggestions or concerns your institution would like to have conveyed to the Legislature?

- Main problem of not having day care centers for shift work. Need to establish consortium agreements with other state and private agencies to establish child care centers for all three shifts. Example: Consortium of the hospitals, schools, industry, in each community of 100,000 and over.

- Many lower paid employees find it increasingly difficult to fund affordable day care facilities that are conducive to child development.

Some employers have found it necessary to add day care facilities for use by their employees. Other employers may not be able to offer such facilities because of costs, including liability for safety. The Legislature may wish to consider the development of community day care facilities paid for by a combination of employer, labor and employee contributions. Until our socio-economic condition changes, there will be an increasing need for day care facilities.

- Since HEPB and DOP are surveying institutional practices for potential revision to Civil Service Law, comments have generally been restricted to that employee constituency. However, if revisions are made to Civil Service Law which address child care needs, it is hoped that care will be taken to insure that other employee groups will be afforded the same benefits.

- If more paid time off or other additional benefits are going to be given to higher education employees, then more funding should be given to cover the additional staffing it will take to accommodate the work loads. There are other issues which are of a higher importance to a larger percentage of employees where more state dollars can be placed than child care.

- We certainly support the Legislature's recognition of creating a model environment for meeting employee's child care needs. It is tremendously important, however, from the institution's perspective that these needs not be met simply by creating new rules that leave programs unfunded but require employers to accommodate.

- I have great concern about the implications of this survey. As an employer, I want to be sensitive and understanding to the personal needs of our employees, including those have to do with child care. For several years, however, our institutions have struggled to continue to provide the kinds of services expected with resources which have declined and have not kept up with inflation. I certainly hope the Legislature does not authorize extensive child care services for employees when there are so many important human needs that are being less well met than they should be for those already enrolled in our institutions. Even if the Legislature were to appropriate some money for some of these services, history would suggest that there would not be enough to carry out all of the functions required. The institution would have to absorb some of these costs. I certainly hope this does not happen.

- This institution believes its primary mission is to educate students. We hire employees (faculty, administrative, and classified staff) to support that primary mission. State employees, particularly faculty and classified staff, have an outstanding fringe benefit program, which includes generous sick and vacation leave policies, leave without pay policies, job security, paid health and dental care programs, holiday schedules and salary schedules that aren't too bad, all things considered. Perhaps the whole benefit package should be reviewed and a new program developed. Such a program might offer "paid personal leave" as an alternative to discrete sick and vacation leave accrual programs. This would have implications regarding the current employee attendance incentive program and the annual leave cash-out programs. It may be that we are spending too much on certain, current programs and not enough on others.

- I object to this emphasis being placed on one social issue. If we want to change our system we need to realize that some of our employees are parents of young children. Much more of a concern as evidenced by Olympic College employees' situations is the issue of the care of aging parents. Let's support a fringe benefit package that gives choices to all employees.

- The birth rate is not significantly increasing in Washington State and the majority of employees are not involved with the issue of daycare, child care, etc. If we were to give women enough money in their pay checks they could find a day care situation to accommodate their job responsibilities.

  The issue that is extremely important is that of women working part time and not receiving any retirement benefits unless they are working more than 90 hours per month. Most of the people who work for higher education in staff positions are women. This is a larger group to serve than just those needing child care.

  We would not like to suggest by any of these responses that this is the primary goal of higher education for any new money that may come from the legislature. All of higher education has funding problems and the lag of salaries behind the private sector is a continuing problem for all of us. Therefore we should not lose sight of the small numbers of people to be served by a change in rules and regulations for daycare purposes. If no additional funding accompanied the change in rules and regulations, I would be against any change at this time.

- It is our belief that child care requirements may differ significantly from the urban to the rural location. If a program is structured either by legislation or regulation, it should be cognizant of this factor and have sufficient flexibility that it works in Pullman as well as Olympia.

- We are concerned about the very minimum standards which are observed by the state for licensing day care centers and the lack of adequate educational standards for the training of day care workers. As a consequence, we would view without enthusiasm a move by the legislature to establish day care benefits for state employees without the establishment of acceptable standards for their care. We believe particularly that the establishment of a "voucher" system under such conditions would be a gross miscarriage of good intent should day care assistance be mandated. We suggest that certain state institutions which have the necessary expertise and experience be designated as providers for state employees in those areas where it is practicable. We believe that only in this way can we guarantee the proper utilization of state resources.

- Paternity leave and adoptive care leave should also be considered as one issue.

  The legislature should be aware of the replacement costs for people on extended paid leave and the cost of hiring replacements. The community colleges have the mission of providing education; child care costs should not further erode our ability to accomplish our primary mission. Since the majority of the employees could not afford leave without pay, the legislature should consider funding the cost of establishing high quality

care facilities. Students and employees could share greater benefits at a lesser total investment.

Lenient granting of sick leave can be more of a disservice to employees than a benefit. Child care sick leave coupled with a major illness could necessitate taking leave without pay. For single parents this is more likely to happen. A minimum balance (perhaps 20 days) should be kept on the books, rather than let an employee exhaust all sick leave for child care/maternity leave.

- If benefits are expanded they must be funded by additional state appropriations. There is no money within existing budgets to cover any increased costs.

EMPLOYEE INPUT

Employees and labor organization representatives expressed their concerns relative to EHB 1656 during a meeting with HEPB staff on July 15, 1986 at Harborview Medical Center, Seattle. These concerns are grouped into four categories according to the type of action appropriate for resolution.

Rule Change

- Absenteeism resulting from parenting responsibilities may be viewed as being excessive or an abuse of sick leave and therefore, cause for disciplinary action.

- Management is too restrictive in authorizing sick leave use for emergencies involving dependents. An employee's perception may differ considerably from management's as to what situations warrant sick leave use and duration of the time period necessary to deal with such situations.

- Locating a care provider for a sick child is not always possible. An employee should be allowed to use sick leave to care for a sick child regardless of how "seriously" ill the child may be.

- Seniority should continue to accrue during a leave of absence without pay.

- Today, male parents are taking a more active role in parenting. Leave policies should reflect this.

Management Sensitivity

- Several members of the University of Washington's health care staff must work rotating shifts, extended shifts, and sporadic weekends. This situation increases the difficulty of locating child care, especially "off hours" child care.

- Short notice of schedule changes precludes many employees from making adequate child care arrangements. These parents are forced to choose between reporting to work or leaving children unattended.

- Management could be more understanding when an employee's absence is due to parenting responsibilities.

- Employees on leave should have access to training/skills building seminars.

- Additional problems confront working parents when school age children are on vacation during the school year and summer.

Additional Funding

- Other Seattle area hospitals currently provide, or are planning to provide on-site child care facilities for staff use. The University of Washington hospitals should also establish such facilities. Problems might otherwise arise with recruitment and retention of qualified nursing staff.

- Employer paid health care benefits should continue during a leave of absence without pay for maternity/child care purposes.

- Some women would return to work sooner after childbirth if given the opportunity to work in a comparable position either part-time or in a job sharing arrangement.

- Access to an up to date information/referral service would benefit many employees.

- Seminars directed at assisting employees with parenting concerns would be of value.

Legislative Action

- Availability of affordable, quality child care has decreased as a result of state insurance requirements.

- Sick leave could be eliminated and replaced with personal leave. Employees would then not need to claim personal illness when other reasons cause their absence from work; e.g. nonseriously ill children or the absence of a child care provider.

- A trade-off in benefits for low cost on-site child care or vouchers would aid in alleviating what are for many employees prohibitive costs of quality child care.

PROVISIONS/PRACTICES/PROPOSALS--SURVEY

A survey questionnaire was mailed to 40 state agencies requesting their input on a multitude of child care-related portions of the Merit System Rules; 32 responses were returned. The responding agencies represent both the very small (e.g., Hospital Commission) and the very large (e.g., Social and Health Services); with many medium-sized agencies.

The following summarizes the current provisions of the Merit System Rules (Chapter 356 WAC); the agencies' practices in administering those rules; and the responses to proposals for revising the rules.

1. NEWBORN-ADOPTIVE CHILD CARE LEAVE

Merit System Rules

356-18-140 Leave Without Pay

(1) Leave without pay may be allowed when such leave will not operate to the detriment of the State service.

(2) Leave without pay may be authorized for any reasons applicable to:

A. Leave with pay . . .

C. Newborn or adoptive child care leave as provided in MSR 356-18-150 . . .

(3) Authorized leave without pay shall be limited to not more than 12 months in any consecutive five-year period, except for: . . .

E. Newborn or adoptive child care leave under provisions of MSR 356-18-150; or . . .

356-18-150 Leave - Newborn or Adoptive Child Care - Provisions

Child care leave without pay may be authorized to a permanent employee who is the parent of a newborn child or is the adoptive parent of a child if the leave is requested in advance by the employee (leave must be requested within 60 days of adoption). The duration of the leave shall be no more than six months. Prior to taking child care leave, employees shall indicate in writing the duration of the leave. Employees shall be allowed to use their accrued vacation leave, or any portion thereof, in conjunction with unpaid child care leave granted in accordance with this Rule. Because of operational necessity, an agency may deny child care leave. In such cases, employees shall be informed of their right to petition this decision to the Director of Personnel. The Director may require that child care leave be granted by the agency upon petition by the employee. When an agency denies child care leave under this Rule, and the Director of Personnel does not require it, an employee who vacates her/his position for the purpose of child

care may request re-employment at any time within a six-month period after vacating the position, and after such request to the Department of Personnel shall be offered the first opening in the former class and work location. This offer of employment shall take precedence over all registers except the reduction-in-force register.

Agency Survey Questionnaire--"What is your agency's policy regarding Newborn-Adoptive Child Care Leave Without Pay?

Most agencies have no formal written policy on this type of leave, but indicated they follow Merit System Rule 356-18-150. Several agencies explain that they have never denied a request for such leave and that they attempt to be as flexible as possible in meeting employee needs.

2. PAID SICK LEAVE USE IN CONJUNCTION WITH NEWBORN-ADOPTIVE CHILD CARE LEAVE WITHOUT PAY

Merit System Rules

356-18-060 Paid Sick Leave - Use

(1) Personal Illness: Accumulated sick leave shall be granted when an employee is required to be absent from work for any of the following reasons:

A. Illness or injury of the employee or for preventative health care.

B. Exposure of the employee to contagious disease when attendance at work would jeopardize the health of others.

C. Disability of the employee due to pregnancy or childbirth.

(2) Illness of Relatives or Household Members: Accumulated sick leave shall be granted up to five days for each occurrence or as extended by the agency when an employee is required to be absent from work for any of the following reasons:

A. Illness, injury or preventative health care of members of the employee's household or relatives of the employee that requires the employee's attendance. . .

356-18-070 Sick Leave - Reporting - Payment

(2). . .A medical certificate must be required if the reason was personal illness as cited in MSR 356-18-060(1) A., B., or C., and continued for more than ten continuous work days."

Agency Survey Questionnaire--"Does your agency allow paid sick leave to be used in conjunction with Newborn-Adoptive Child Care Leave Without Pay? If so, under what conditions?"

Most agencies limit sick leave use to periods of disability or illness, injury, or preventative health care of the employee or household members; with many of these indicating doctor's statements would most probably be required. However, some of the agencies indicated they automatically allow up to ten working days, but would require a doctor's statement for sick leave use beyond that amount.

Five agencies allow unlimited use of any or all accrued sick leave.

One agency does not allow use of sick leave during leave without pay.

Agency Survey Questionnaire--"Would your agency support a rule change to allow employees to utilize all accrued sick leave during their Newborn-Adoptive Child Care Leave absent any disability or illness?

15 = Yes
11 = No
3 = With limit
3 = Other

A sampling of the agencies' comments supporting such a change follows:

- Current and past practice has been to allow the use of any or all accrued leaves whether it be sick, annual, or compensatory time.

- Have tried this in individual cases and it seems to work well.

- Some doctors do issue medical leave statements for natural mothers of newborns; while others do not. In order to apply a consistent policy, fair to all employees in similar circumstances, would support a rule change.

- The decision of what kind of leave to use and how much should rest with the employee.

- Employee is entitled to it and should be able to use it.

Those agencies opposing such a change offered the following rationale.

- Cost impact in fee for service programs. Also, such an employee upon return, would have zero sick leave.

- This could be abused, especially if a person did not really intend to return to work at all. Sick leave is an "insurance policy" against serious illness or accidents and should be used prudently in order to avoid financial difficulties should this occur.

- Newborn-Adoptive child care is a product of individual choices. Sick leave is in concept a form of leave to deal with situations that are not a matter of choice.

- To allow sick leave to be used beyond the period of actual disability (generally 6-8 weeks) is not appropriate and could lead to other problems. Also, would encourage employees to use their sick leave so when they return to work they would have no sick leave in case they or their children became ill.

- Feel sick leave should only be taken for those purposes as listed in MSR 356-18-060.

- Present rules adequately provide for leave (paid and without pay).

- Child care leave is not an illness. We feel employees are not entitled to use sick leave when they are not ill.

- Such proposal would raise the possibility of a legal challenge based on Title VII, the 1964 Civil Rights Act, as amended. An alternative may be a cafeteria-style benefit package. Such arrangements could not only answer the legal question, but also address concerns from other groups with special needs; i.e., the disabled.

Three agencies would support a change to allow use of sick leave beyond just the actual period of disability, but with a limit; two agencies indicated a need for further information and clarification in order to reach a decision; and one agency suggested a study of the costs and impacts before such a rule is proposed and further indicated that such a change should permit sick leave use, but not mandate that the agencies grant it.

3. PAID LEAVE TO PROVIDE FOR INSURANCE BENEFIT PAYMENT

Agency Survey Questionnaire--"Does your agency allow employees who take Newborn-Adoptive Child Care Leave to use paid leave, at least one day per month, for purposes of insurance benefit payment?"

31 = Yes
1 = No

4. MAXIMUM DURATION OF NEWBORN-ADOPTIVE CHILD CARE LEAVE WITHOUT PAY

Agency Survey Questionnaire--"Would your agency support a rule change to lengthen the maximum duration of Newborn-Adoptive Child Care Leave Without Pay from the present six months? If so, to what limit? If not, explain why."

9 = Yes
21 = No
2 = Other

The following is a sampling of the comments from those agencies opposing such a change.

- Uncertainty of return limits ability to refill positions and manage programs, lengthening it would be worse.

- Given the difficulty in filling short-term positions and trying to manage the workload, feel six months is a reasonable maximum.

- Based on informal poll of female employees, six months is enough. Also, beyond six months causes problems for employees filling vacant job while employee is gone.

- Six months is adequate for mother to regain her strength and stay at home. It's long enough for an agency to have to hold a position open. The only exception to this would be for serious medical or health complications accompanying the pregnancy or birth.

- This is adequate time for the parents to arrange for child care and for the mother to determine whether or not she wishes to return to work. Further extension is too disruptive to agency operations due to the need to backfill positions.

- Employees on leave without pay are replaced with temporary employees. For many of our career positions, it is hard to recruit for a temporary appointment. Also, temporary appointments in excess of six months require the agency to pay benefits which, in many cases, the agency is not budgeted to handle.

- Present six-month rule is adequate. Agencies have discretion to grant an additional twelve months of leave without pay (MSR 356-18-140(3)).

- Most employees limit their leave without pay request to two to three months. If they desire or require time in excess of six months, they may apply for a standard leave of absence.

- It is difficult to keep a position open for more than six months or to cover it with existing staff. Could cause severe management problems.

The nine agencies supporting such a change did so with conditions placed on such extensions. The following summarizes their ideas:

2 = one-year limit
1 = one-year limit with employee paying benefits after six months
2 = nine-month limit
1 = twelve months in any consecutive five-year period (as for other leaves without pay)
1 = increase limit as long as approval remains discretionary
1 = provided that beyond six months is subject to director-level approval with no appeal for denials
1 = no limit indicated

One agency indicated they would consider such a change, but felt a review of specific rule changes, as well as any attendant rule changes regarding types of leave to be used and the operational impacts of extending child care leave, would be required. One agency indicated mixed support for such a rule change.

5. SENIORITY ACCRUAL DURING NEWBORN-ADOPTIVE CHILD CARE LEAVE WITHOUT PAY

Merit System Rule

356-05-390 Seniority

A measure of the last period of unbroken time served in positions in the classified service under the jurisdiction of the State Personnel Board . . . Leaves of absence granted by agencies and separations due to reduction-in-force are not considered a break in service. Time spent on leaves of absence without pay is not credited unless it is taken for educational leaves, or statutes require it to be credited; or it is taken at the specific request of an agency so employees may perform work specifically related to state work. Time spent off the state payroll due to reduction-in-force will be credited for that period of time the employee is eligible to be placed on the reduction-in-force register. Leaves without pay granted to directly or indirectly reduce the possible effect of reduction-in-force will be credited in accordance with MSR 356-18-140 and 356-18-220. Leaves of absence without pay granted to employees who are drawing worker's compensation because of injury or illness while employed by the state will be credited. Time spent in exempt appointments listed in RCW 41.06.070 will be credited and the service will not be regarded as broken when the employees return from exempt service in accordance to RCW 41.06.070(26), MSR 356-06-055 and MSR 356-30-330 . . .

Agency Survey Questionnaire--"The Merit System Rules provide for loss of seniority for employees who take Newborn-Adoptive Child Care Leave Without Pay, while seniority is not lost for time spent on a RIF register, an educational leave of absence, during exempt appointments, etc. Would your agency support a change to allow seniority to continue to accrue during Newborn-Adoptive Child Care Leave? With a limit? Please explain."

16 = Yes
14 = No
2 = Other

Of the 16 supporting this change: Seven agencies indicated the six-month maximum should remain; one suggested the leave should be reasonable; one indicated the maximum should be as allowed at agency discretion; and one felt the limit should be the same as the two-year educational leave rule. Additionally, one agency supporting the change explained that such accrual should also apply to persons who, due to extended illness or disability, must utilize leave without pay.

Comments offered in support of this change follow:

- Support on the basis that child care leave is on an equal footing with educational leave, exempt appointments, etc., and feel it is beneficial to have experienced employees return. Therefore, it seems fair to allow them to continue accruing seniority during leave.

- Although leave without pay is optional, there are many factors involved when a couple or individual decides to have a child. The agency recognizes this and feels the rules are somewhat discriminatory when they allow for continuation of seniority for educational leaves, etc.

- Since we do not deny time or seniority due to disciplinary suspensions, it seems unfair to penalize employees for leave to add to their family.

- This would address possible disparate impact between men and women on the assumption that mothers use significantly more newborn-adoptive child care leave than fathers.

- Would not only be fair to the employee it would also simplify matters for agency personnel staff.

The agencies opposing such a rule change made the following comments.

- Would create morale problems in subsequent RIF's, which we experience fairly frequently.

- Time is not worked; therefore, seniority should not accrue.

- Such a change appears inequitable.

- Nonwork related leave without pay for child care or other reasons should not merit the same benefit (as those cited).

- Continued efforts to dilute the seniority provisions are making the determination of accurate seniority a nightmare further increasing the chances of errors in adjustments, and subjecting agencies to a vulnerable position during RIF's.

- Employees would have a genuine concern if they had never taken any leave without pay and then were bumped by someone who had taken or was currently on leave without pay.

- The categories of leave without pay where there is no loss of seniority are those where the employee had no choice but to be in a nonpay status (RIF) or where the state would benefit from, and the employees are encouraged to take leave (educational leave). Newborn-Adoptive Child Care Leave Without Pay does not fit these categories.

- Having or adopting a baby is a personal choice and of little (if any) benefit to the agency. All those allowances to accrue seniority while on leave without pay are either to potentially benefit the agency and/or the state as an employer.

- Newborn Child Care Leave and educational leave are the choice of the employee and seniority should not continue.

- Don't think it is fair to those who take regular leave without pay.

- Department believes seniority should be a reflection of time the employee remains in pay status. While the Personnel Board has approved some exceptions to this policy (seniority credits for employees receiving time loss compensation), these are being granted for leaves over which the State has some responsibility.

One agency indicated they would consider such a rule change. Another agency indicated that such a change could be viewed as discriminatory by other individuals who must utilize leave without pay for a serious illness or injury to themselves or a relative and who are not allowed to accrue; they cannot support or oppose without further clarification.

6. SICK LEAVE USE FOR EMERGENCY CHILD CARE

356-18-060 Paid Sick Leave - Use

(5) In addition to the reasons listed above, emergency care of a child in the custody of and residing in the home of an employee. (Such use of sick leave shall normally be limited to a maximum of one day per incident, and to three days in any calendar year, unless extended by the appointing authority, and shall be used only as specified in MSR 356-18-116.)

356-18-116 Leave Due to Child Care Emergencies

Absence due to an employee's inability to report for scheduled work because of emergency child care requirements shall be authorized in any of the leave categories listed below at the employee's desire:

(1) Compensatory time
(2) Vacation leave
(3) Accrued sick leave
(4) Leave without pay

Agency Survey Questionnaire--"In applying the provisions of Merit System Rule 356-18-060(5) - Use of Sick Leave For Emergency Child Care--is your agency flexible in allowing extensions of the one-day per incident language?"

26 = Yes
2 = No
4 = Other

The "Other" category includes two agencies who indicated the issue has not specifically come up in their agency; one agency did not provide a response; and one indicated they have no information on why supervisors have approved sick leave so they do not know the answer.

Agency Survey Questionnaire--"Would your agency support a rule change to modify this provision? If so, how should the rule be revised?"

12 = Yes
16 = No
4 = Other

Those agencies supporting a rule change offered the following.

- Should be increased to two days per incident and up to ten days per year, but limit to that. Take out the word "normally"; it's too ambiguous and interpreted differently by agencies.
- Allow appointing authority to determine appropriateness of such requests, within a maximum of five days.
- Up to three days per incident and up to 15 days in calendar year.
- Perhaps we do not need a limit.
- Support a rule change which would allow equal flexibility to all state employees.
- The two rules should be integrated and some method of control, monitoring or discretion given back to the agencies to allow us to minimize abuse.
- Normally be limited to a maximum of two days per incident, six days in any calendar year, unless extended by appointing authority.
- No more than three days per incident and no calendar year limit.
- Ten days per year without limitation on use; or nine days per year with three days per incident limitation.

The agencies opposing the rule change indicated the following.

- Current rule provides the flexibility to address emergency child care issues.
- Current rule is flexible enough to allow exceptions to be granted by appointing authority.
- Agencies should be allowed to manage this on a case-by-case basis.

- Since this rule is discretionary and permits exception, do not consider revision to be of major importance.

- Don't believe this rule is appropriate for use of sick leave. Would rather see employees use leave in the same fashion as "inclement weather" rule.

Other responses to this question by agencies were:

- Rather than revising the rule, we should ensure the State day care center is available on a reasonable fee basis to drop-ins when the "usual" day care arrangements fall through.

- Neither pro nor con.

- No opinion.

- Would consider such a rule change.

7. NEWBORN-ADOPTIVE CHILD CARE LEAVE--STATISTICS

Agencies were asked to provide statistics, for the last year, on the use of newborn-adoptive child care leave and the sick leave used with such leave.

Of the 32 responding agencies, all except four (large agencies) were able to provide the requested statistics.

A summary of the statistics, as provided, follows.

A. Number of Newborn-Adoptive Child Care Leave Without Pay Requests:

0 = 4 agencies
1 = 6 agencies
2 = 2 agencies
3 = 2 agencies
4 = 1 agency
5 = 2 agencies
6 = 4 agencies
7 = 2 agencies
8 = 2 agencies
18 = 1 agency
27 = 1 agency
29 = 1 agency

B. Number of requests approved:

The agencies approved all requests.

C. Length of Each Leave Without Pay Approved:

The length of leave varied from as little as one workday up to six months. While there were many that lasted six months; many also ranged from two to four months.

D. Number of Paid Sick Leave Days Used in Conjunction With Newborn-Adoptive Child Care Leave Without Pay:

Again, these answers varied widely--with some employees using no sick leave and one using as much as 39.5 days.

Some examples of duration of leave with amount of sick leave used are shown below for display purposes.

Duration of Leave	Sick Leave Days Used
3 months	2
6 months	2
6 months	23
6 months	39.5
23 days	1.5
3 months; 5 days	8
3 months; 3 days	0
2 months; 9 days	0
3 months; 26 days	21
14 weeks	10
9 weeks	0
13 weeks	15
19 weeks	15

8. REEMPLOYMENT PRIORITY

Merit System Rule

356-26-030 Register Designation

This rule outlines the list of registers and their order of use. The Reemployment register falls in order as shown below:

- Agency Reduction-in-Force
- Service-Wide Reduction-in-Force
- Dual-Agency Reversion
- Agency Promotional
- Service-Wide Reversion
- Transfer
- Voluntary Demotion
- Service-Wide Promotional
- Reemployment
- Inter-System Employment
- Open Competitive

356-30-220 Reemployment - Status

Any person who has received permanent appointment to a position in the State service and who has separated therefrom, may be reemployed to a position with the same or similar duties to those previously performed, provided he/she has been certified from the reemployment register.

Agency Survey Questionnaire--"Would your agency support creation of a new register designation for employees who resign for child care reasons to allow them priority reemployment opportunities? If so, over what existing registers should such a register be placed? Under what conditions should former employees have access to this register?"

9 = Yes
19 = No
4 = Other

The following specifics were provided by the agencies supporting this change:

- Register should be placed after service-wide RIF; agency reemployment rather than service-wide. Recommend a limit of 12-18 months for amount of time a person could be on register.

- Register should take precedence over all except RIF registers.

- Placed over Reemployment, Inter-System Employment, and Open Competitive registers. Time limit to get on register should be not more than five years from date of child's birth.

- Placement should not be higher than current reemployment register. Current register composition would work if the rule were changed to increase application time from 5 to 10 years for those who resigned for newborn-adoptive child care reasons.

- Unranked register between service-wide reversion and transfer register. Employees would be referred to all agencies statewide.

- Propose it be placed between service-wide promotional and reemployment. Former employees should be allowed access to it within five years from date of separation.

- Everyone who resigns due to child care leave could be placed on reemployment register after agency promotional; up to two years to reapply.

- Should be located between the service-wide reversion and transfer registers and unranked; two-year period to get on and two years to stay on.

The agencies opposing creation of a new register supplied the following comments.

- Current rule is fair and adequate.

- Current reemployment register is appropriate for all employees who have previously resigned.

- Resigning a position is strictly voluntary and existing rules adequately address issue of reemployment.

- Don't feel a new designation is necessary. In most cases, reemployment names are reachable.

- Resigning for child care reasons should be treated the same as any other resignation.

- Creation of a new register designation for employees who resign for child care reasons appears unfair to other job candidates.

- Already an excessive number of registers. This aspect of the personnel system is very complicated and difficult for anyone to fully understand. The system of registers should be simplified.

- Employees who resign for child care reasons should continue to be eligible for the reemployment register. A special designation could be made to distinguish between those who resign for child care versus other reasons. This designation should be evident during browse to encourage agencies to use the reemployment register.

- It would be difficult to show that a person who had resigned for child care reasons had a more critical need for employment than other persons seeking employment with the state.

- Having two separate reemployment registers would increase personnel costs and would not serve a useful purpose. Do not believe employees who resign for child care purposes should have priority over employees who resign for other personal purposes.

The following suggestions were also received.

- Difficult to address as it doesn't define "child care" reasons; i.e., due to serious illness or injury of child, inability to obtain baby sitter, or simply to stay at home with child. Creation for those required to resign due to serious injury or illness of child would possibly receive support of agencies/unions. Would suggest eligibility be expanded to individuals who resign due to their own serious illness/injury (should be doctor-documented). Would suggest placement as register #5, over transfer, voluntary demotion, service-wide promotional, reemployment, inter-system employment, and open competitive.

- Employees resign every day for reasons just as compelling as this, i.e., to care for a dying parent. Rather than give this group preference, why not move the reemployment register directly under agency promotional. Would give all employees whose life circumstances forced them to resign a much better chance to regain employment.

- Do not believe employees who resign for child care reasons should be treated differently than other employees who resign

for legitimate reasons and later seek reemployment. However, have in the past and would now support a change to allow agencies to reach candidates on reemployment registers without first exhausting promotional registers.

9. REINSTATEMENT OF SENIORITY UPON REEMPLOYMENT

Agency Survey Questionnaire--"Should individuals reemployed through such conditions be allowed to reinstate their former seniority (or some portion thereof) upon return?"

11 = Yes
16 = No
5 = Other

From those that supported such a change, the following was offered.

- Two indicated they would support this change if it applied to all other categories of reemployment.

- All of the seniority should be reinstated.

- Everyone should get seniority returned, if return to employment within two years from date of resignation.

- If return within two years, they may reinstate their seniority; after two years, treated as a regular reemployment.

- Female employees should not be penalized for assuming the bulk of child care responsibility. The majority of women in today's society need employment and yet are still considered to be the primary child care provider. Child care for infants and toddlers is limited and often expensive, and that coupled with low wages frequently forces women to remain in the home during their children's early stages of development. Department would consider a rule change that enabled employees to recover their seniority provided they return to employment within two years following a child care related termination.

- If return is within two years, full seniority should be reinstated.

Comments from the agencies who opposed such a change follow.

- It may be difficult to justify, and even discriminatory, to reinstate seniority upon return since the employee chose to terminate employment (resign).

- This would tend to penalize parents who choose to work. Those who stay would have the same seniority as those who resign.

- Resignation motivated by child care needs is only one of many situations for which an argument for special consideration could be made. Resignation motivated by needs for the care of

elderly parents could deserve as much or more consideration in the future. Existing reemployment provisions are probably the fairest accommodations.

- Present rules allow for up to 18 months of leave without pay from which employees can return with their seniority. This seems adequate.

Three agencies offered no response to this question. One suggested that if the requested leave is denied, the former employee's seniority should be reinstated, adjusted by actual time off the payroll. The final response indicated that allowing reinstatement of seniority may be an option depending on circumstances, i.e., basis for establishment of register, eligibility criteria utilized, time limit established, etc. Other individuals who quit and then reemploy who are not granted the same right could view such as discrimination.

10. TANDEM/PART-TIME EMPLOYMENT

Merit System Rules

356-05-235 Part-Time Employment

Work of less than 40 hours per week. However, for certification from registers, work of less than 32 hours per week shall be considered part-time.

356-05-410 Tandem Employment

Any position filled by more than one employee as voluntarily agreed between management and employee(s) who jointly fulfill the responsibilities and duties of the position(s).

Agency Survey Questionnaire--"What is your agency's policy on tandem employment?"

Most agencies indicate they have no formal written policy regarding tandem employment, but they do allow such employment upon employee request. Several agencies indicated they do not use tandem employment; with one indicating it is not allowed.

Agency Survey Questionnaire--"If possible, please provide the number of employees presently sharing jobs?"

0	=	17 agencies
Less than 10	=	12 agencies
10-20	=	2 agencies
No Data	=	1 agency

Agency Survey Questionnaire--"What is your agency's policy on part-time employment?"

Most of the agencies allow part-time employment, but do not have a formal written policy. Some indicated very strong support for the use of part-time employment. A sampling of agency comments follow.

- Use when budget or program needs require.

- As needed for our agency purposes, rather than as an accommodation to employees.

- In most cases, it is approved whenever employee requests.

- It is utilized when part-time work meets the needs of the agency and employee.

- Agency utilizes a substantial number of part-time employees. Benefits to the agency are so great have more part-time employees now than ever before. Employees (although initially willing to accept fewer hours to avoid a RIF) have since indicated a preference for part-time, and generally get the same performance levels in terms of measurable output in a 6-hour day as were getting in an 8-hour day.

- In those cases where an employee requests part-time employment, generally due to medically related problems of either themselves or a family member, the agency attempts to accommodate the request.

- It is up to each division to determine if part-time employment best suits the needs of the agency and the work to be accomplished.

- Consider each request individually based on the impact of the employee's request upon their section and the agency.

Agency Survey Questionnaire--"If possible, please provide the number of agency employees presently working part-time on other than a tandem/job-sharing arrangement."

0	=	3 agencies
Less than 10	=	11 agencies
10-19	=	5 agencies
20-29	=	1 agency
30-39	=	0 agencies
40-49	=	1 agency
50-100	=	2 agencies
100-500	=	1 agency
Over 500	=	2 agencies
No Data	=	1 agency

Agency Survey Questionnaire--"If possible, please estimate the number of employees who work on either a tandem or part-time basis in order to accommodate their child care needs."

For those that had the data available, the following shows the number who work part-time to accommodate their child care needs compared to the total number who work part-time.

Part-Time For Child Care Needs	Total Number Part-Times/Tandems	
4	5	
6	24	
4	14	
2	3	
5	21	
4	5	
0	120	(intermittents)
0	3	
7-8	15	
0	9	
3	6	
1	4	
0	1	
2	4	
3	11	
2	8	
1	1	
0	1	
1	3	
Aprox. 50	67	

Agency Survey Questionnaire--"Are there types of positions in your agency that could conceivably be performed on a job-sharing, tandem arrangement that are not now?"

26 = Yes
3 = No
3 = Unknown

Many of the agencies indicated that nonmanagement/supervisory and clerical positions would be the most likely to be appropriate for job-sharing/tandem assignments.

Agency Survey Questionnaire--"Are there positions that could not? Explain why."

Almost all agencies indicated there were positions that could not be performed on a job-sharing/tandem arrangement. The most frequently given response was management/supervisory positions as it is felt these require continuity and effectiveness would be reduced.

11. FLEXIBLE WORK SCHEDULES

Merit System Rules

356-15-095 Flexible Time Schedules

Each agency shall develop one or more flex-time schedules, all of which contain required fixed core hours of work, and each of which

requires regular starting and quitting times other than 8 a.m. to 5 p.m., subject to the following conditions:

(1) No such schedules need be established if the agency head determines that such schedules would impede service to the public or impede the agency in accomplishing its mission.

(2) The agency may assign or reassign any employee or group of employees to any such schedule, subject to provisions of MSR 356-15-090.

(3) Employees may request assignment to flex-time schedules and the employing agency may grant or deny such assignment.

(4) Flex-time schedules affecting employees in a certified bargaining unit must be negotiated with the exclusive representative.

Agency Survey Questionnaire--"Has your agency established flexible work schedules under the provisions of MSR 356-15-095? If so, please list them and provide the approximate number of employees using them?"

27 = Yes
3 = No
2 = Developing policy

Not all of the agencies provided the actual work schedules and statistics on their use. However, the following work schedules were given.

6:30 a.m. - 3:30 p.m. (1 hr. lunch)
7:00 a.m. - 3:30 p.m. (1/2 hr. lunch)
7:00 a.m. - 4:00 p.m. (1 hr. lunch)
7:30 a.m. - 4:00 p.m. (1/2 hr. lunch)
7:30 a.m. - 4:30 p.m. (1 hr. lunch)
8:00 a.m. - 4:30 p.m. (1/2 hr. lunch)
8:30 a.m. - 5:00 p.m. (1/2 hr. lunch)
8:30 a.m. - 5:30 p.m. (1 hr. lunch)
9:00 a.m. - 5:00 p.m. (no lunch)
9:00 a.m. - 5:30 p.m. (1/2 hr. lunch)
9:00 a.m. - 6:00 p.m. (1 hr. lunch)

Statistics on use, where provided, range from just a handful of employees using flexible schedules to over 500 employees in one agency. Most agencies appear to have a wide representation of staff utilizing such schedules; with one agency indicating that 90% of their employees work a schedule other than 8:00 a.m. - 5:00 p.m.

Agency Survey Questionnaire--"If possible, please estimate the number of employees who work flexible work schedules to accommodate their child care needs."

Most agencies were unable to determine the number of employees who work a flexible schedule in order to meet their child care needs.

The following shows the number of those who could make an estimation.

Estimated Number of Employees Using Flex-Time for Child Care Reasons	Total Employees Using Flex-Time
14	72
32	214
1	8
1	5
6	15
1	4
10	37
19	132
2	47
22	62

Agency Survey Questionnaire--"What problems, if any, have these flexible work schedules created for your agency?"

Sixteen agencies using flexible work schedules report no problems. The following outlines the problems found in the other agencies.

- Need for supervision at other than 8 to 5 hours of employment and more difficult to provide 8 to 5 coverage all the time.

- Coverage and client contact. This is particularly true when we provide services to other agencies or interface with private sector entities who work "regular" hours.

- Problems include questions which arise concerning specific work one person may be assigned or requests for information from the public. Problems also arise when an employee calls in sick or takes annual leave, with the remaining employees in that section being flexible work schedule employees. For the most part, those problems are minimal.

- Some problems in regard to lack of supervision in the early morning hours preceding 8:00 a.m.

- In large units, it is hard to keep track of staff, especially to ensure no unauthorized overtime (an issue with the Fair Labor Standards Act). Also, when the workday extends more than eight hours, there isn't adequate supervisory coverage during all non-core hours. Finally, many employees may work the same schedule (i.e., early schedule for summer months) which would limit availability to serve the public during some business hours (e.g., late afternoon).

- One section had a problem with a lack of supervisory coverage during early flex-time hours. Adjustment of schedules resolved this problem. Another problem involved employees who came to work at different schedules, and tended to disturb others who were working. This has also been resolved.

- Some problems experienced are: difficulty in locating information after 3:30 p.m.; arranging meetings; inability to prove tardiness or nonproductivity for those employees on early schedules; poor use of supervisory time needed to handle nonsupervisory duties when subordinate staff are not there; and the assumption by employees that a flex-time schedule is a right rather than a privilege.

- Minor supervision hassles, recordkeeping, and public telephone coverage can be difficult.

- In a high-volume office, those working the 8 to 5 schedule assume the workload of flex-time employees in their absence.

- Problems arise where employees in the same office arrive and depart from work at different times. Such arrangements make it difficult for supervisors to ensure punctuality and also detract from productivity by increasing the length of the greeting/coffee period at the start of the work shift.

- Employees who develop poor work habits may be required to work an 8-5 workweek while closer supervision is needed.

12. FLEXIBLE WORKPLACE/LOCATIONS

Agency Survey Questionnaire--"Does your agency utilize any flexible workplace/location options? If so, please describe them and provide statistics on their use."

6 = Yes
26 = No

The following comments were provided by the agencies that have utilized flexible workplace/location options.

- Nearly all of our field employees work out of their homes and set their own schedules. With the increased use of PC's that can tie into the Prime, our biologists are finding their required time in the office reduced, and their location options increased.

- Have had several cases where, due to illness, disability, or childbirth, the employee took a personal computer home and did work there. This will probably increase in the future as the technology improves. We also have "dial up" terminals which allow the user to dial into the mainframe and access these applications which he/she would normally use in the office.

- One employee works out of home on a regular basis. Other employees may also work out of their homes on an intermittent basis.

- By the nature of our field operations, many employees have a geographic area as their workplace rather than an office or

agency facility. They begin their workday by getting into an agency vehicle parked outside their home. Have no flexible workplace/location options for employees who are not part of our field operation.

- Employees may be allowed to work at home. Have several data processing personnel with computer terminals in their homes, and one professional who reports to the office once a week to pick up materials. Also, employees recovering from surgery or a major illness may be allowed to work at home, provided they are dependable employees. All are required to maintain time sheets to record hours of work.

- Half-time works out of home. This employee has everything at home--personal computer, files, phone. Works from 8 a.m. to noon, calls in every day. If leaves, phone calls are forwarded to office. Requires increased coordination and planning with office.

Agency Survey Questionnaire--"If your agency has not considered flexible workplace/locations, are there types of positions that might be able to utilize such a concept? Please describe."

Most agencies indicated that, for the most part, they could not utilize the flexible workplace/location option. Rationale provided follows.

- Mission of the agency does not lend itself to flexible workplace/locations since a large majority of employees work within correctional facilities/institutions.

- Have not considered this concept as most positions provide direct service to clients/public.

- Due to the high use of personal computers and reference to data on file in the Commissioner's Office, flexible workplace/locations are not feasible.

- Because of the nature of the department's responsibilities, flexible workplace/locations would not be applicable.

- The number of agency personnel and the mandated operational requirements placed on agency preclude such options.

The few that felt this option might be possible primarily indicated that it could conceivably only be used by clerical, word processing and data processing.

13. AGENCY OPINION OF ACCOMMODATION OF CURRENT RULES

Agency Survey Questionnaire--"Does your agency believe the existing MSR's provide adequate accommodation to working parents to meet their child care needs?"

20 = Yes
12 = No

Of the twelve who believe the MSR's do not provide adequate accommodation, many indicated they had supported previously suggested rule changes. In addition, the following input was provided.

- Paternity care should be allowed, maximum 7 days.
- They are particularly restrictive with respect to the husband's sick leave for the wife's maternity and childbirth.
- Believe that a rule to allow employees one day a month leave for insurance coverage is desirable. At present, this is left to the discretion of the agency.

14. COMMUNICATION OF PERSONNEL RULES

Agency Survey Questionnaire--"How are your employees informed about existing provisions in the MSR's?"

There were as many varied answers to this question as there are agencies. Each agency approaches this in its own particular fashion. A sampling of various methods used is given below; some agencies indicated they utilize more than one of the methods.

- "Welcome to State Service" booklet
- Upon request for information
- New employee orientation program
- Employee/staff handbook (agency unique)
- Agency newsletter
- Memorandums/correspondence to staff
- Meetings
- Employees encouraged to ask specific questions of supervisors, personnel and payroll officers
- Distribution of Merit System Rules
- Agency policies/procedures manuals
- Provide supervisory training
- Through union representatives
- Management meetings; managers then relate information to employees
- Training workshops
- Copies of MSR's available for review throughout agency
- Changes posted on agency bulletin boards

Agency Survey Questionnaire--"Are all of your agency managers/supervisors informed of these provisions? How?"

All agencies indicate their managers/supervisors are informed of the provisions. Examples of the methods given are listed below.

- Same fashion as employees are informed
- Annual meetings with all supervisors
- All currently employed managers have been in system long enough to have encountered Newborn-Adoptive Child Care situation; they check with personnel officer when an employee approaches them

- Top and mid-level managers have copies of MSR's
- Personnel Managers Handbook
- Written guidance on MSR interpretations

15. ADDITIONAL AGENCY SUGGESTIONS/CONCERNS FOR LEGISLATURE

Agency Survey Questionnaire--"Are there any additional suggestions or concerns your agency would like to have conveyed to the legislature through this study?"

Additional information provided by the agencies is given below.

- Like to emphasize that we strongly believe some provisions should be made whereby an employee who must have a break in service to accommodate child care situations has access to reenter the system with as little disruption to their career as possible. We believe the establishment of a separate register and the continuation of seniority would be two steps toward correcting this situation. Since quite frequently the general reemployment register is not used by agencies when hiring, someone who has had to terminate due to child care frequently has to attempt to reenter state service through an entry level position. This results in many over-qualified people competing for entry-level positions which in turn results in a high turnover rate. Therefore, we feel it is appropriate to make whatever changes possible to correct this situation.

- Flex-time should be a mandatory offering to staff.

- Perhaps additional assistance in providing day care facilities or financial assistance for day care.

- Employee child care centers should be established in locations where multiple state agency operations exist if there is a demand for such services. Child care centers having 24-hour schedule should also be considered to accommodate working parents/single parents who are working or may wish to work on a shift other than the 8:00 a.m. to 5:00 p.m. day shift. If state government wants to attract and retain qualified employees, it must consider workforce trends that clearly indicate competitive employers are addressing child care needs.

- More child care centers for state employees should be established in locations convenient to the work locations. Costs should be borne by the people who use them.

- Encourage more information/availability of a state-sponsored day care center at reasonable fees based on the income of the parent(s). Stress belief that the best resolution to the problem of child day care is to support a state-sponsored day care center that is reliable, reasonable, and that parents can have confidence in the quality of care provided for each child.

- This survey does not address all of the child care needs of full-time employees. Some may be addressed as a followup to the child care center demonstration project. However, child care in the workplace may become an issue. We had one request by a mother to take care of a young infant in the workplace. A young infant sleeps a good part of the time. In one office, school-age children use a conference room as a study hall while waiting for their parents to finish the workday and then take them home.

- State-sponsored child care should not be mandated unless the legislature is willing to subsidize it. Such child care should be administered only with stringent controls, monitoring and extensive background investigation of child care staff.

- Continue to study and subsequently implement state "supported" day care centers. Parents/guardians should be charged a monthly fee relative to the total family income.

- Child care subsidy.

- Child care centers more strategically located, especially for children under two years of age.

EMPLOYEE INPUT

As part of the study, in order to gain employee input, the department held three "brown-bag" discussion sessions on Capitol Campus. These sessions were intended to provide employees an opportunity to share their ideas, concerns, and suggestions with the Legislature.

The following summarizes the comments and questions as they were presented in those sessions. This section also includes comments received through individuals contacting the department's Special Programs Coordinator directly.

Agency Application of Merit System Rules

- While the Merit System Rules (MSR's) may be somewhat flexible, some individual agencies/offices may be applying them too stringently.

- The agencies are not applying the MSR's in a consistent fashion. An example cited is that many agencies allow exhaustion of all accrued sick leave during Newborn-Adoptive Child Care Leave Without Pay; while others do not. Even within some agencies this particular rule is applied inconsistently by different offices. Many employees felt this inequity should be eliminated through a rule change to allow total use of accumulated sick leave by all agencies. (Some employees felt that if parent employees are allowed to use all sick leave during Newborn-Adoptive Child Care Leave Without Pay, perhaps all other employees who take Leave Without Pay absences should also be allowed unlimited sick leave usage.)

- Some agencies ensure that employees who take Newborn-Adoptive Child Care Leave Without Pay return to the same job, others do not. Employees felt this should be an absolute right of return.

- Employees question if all agencies are aware of exactly what is available and allowable by the MSR's.

- It is felt that there really is no certain way for employees to find out what is available or allowable by the MSR's. In some agencies you ask around; you may get inaccurate information from supervisors/managers; and when you continue to "dig" into it further other possibilities may come to your attention.

Child Care Leave

- When an employee resigns to care for young children, seniority should be reinstated when they become reemployed with the State or, perhaps, after a certain period of reemployment. There should be a limit on the length of resignation in order to gain seniority credit, but no length of time was defined.

- A suggestion was made to allow employees who have taken Newborn-Adoptive Child Care Leave Without Pay to voluntarily pay into the Retirement System for such leave and have it count toward their retirement time.

Tandem/Part-Time Employment

- It was pointed out that tandem/part-time employment presents a unique problem in that PERS Plan 2 (Retirement System) employees must work at least 90 hours a month to receive retirement credit. Since most tandem arrangements are a 50-50 split, which normally amounts to about 80 hours per month, this may be a disincentive to employees. Legislative change was recommended.

- Some employees felt the State should offer an automatic option after six months of Newborn-Adoptive Child Care Leave Without Pay for employees to return to part-time employment (up to 80%).

- Tandem employment costs an agency twice the amount for employee benefits. Many agencies, who might otherwise be willing to offer such arrangements to their employees, simply cannot afford to. Is there some way to give agencies a break so they would be better able to offer tandem employment arrangements?

Flexible Work Schedules

- There is a need for more flexible work hours. While some agencies may have several different start-end times, they don't allow for flexible schedules where employees work 40 hours per week, but on their own schedule. "Let me work as I need to so long as I put in 40 hours." Agencies don't seem to be allowing this, even for Exception work period employees. This kind of real flex-time would be an advantage to the employees.

- Many agencies have not even implemented staggered start-end times; or certain parts of some agencies don't offer this option.

- The suggestion was made that the State (and all other employing entities) should consider the 35-hour work week; King County has gone to this with good results.

Leave Provisions

- Parents of young children need more sick leave. Perhaps the State should allow parents to accrue sick leave at an accelerated rate; to "buy" sick leave on future work time; to transfer sick leave from one parent to another?

- Suggestion that perhaps the system should provide a new kind of leave altogether; not sick or annual. This raised many questions in a group discussion--what about other employee groups who need additional leave (e.g., disabled persons)? At what age do you stop giving this leave? Is it discriminatory against persons without children? (Some persons felt strongly that the State should be able to give additional benefits to women for child care reasons regardless of whether it appears discriminatory or not. Our future is our children and we need to recognize that and make provisions as a society.)

- A suggestion was made to give six weeks of paid leave for Newborn-Adoptive Child Care. (Group indicated this couldn't just be provided to women, however, that it would have to be for both parents.)

- Employees who have only temporary/emergency appointments do not accrue vacation leave; suggestion was made that they should.

- A suggestion was made that the system should provide more sick leave for all employees on the same basis as employees accrue annual leave; the amount earned grows based on length of service.

Benefits

- Various benefits options could be offered (cafeteria-style benefits) where employees choose from a list of benefits those they want. An option could be additional sick leave--some might choose that for child care purposes, others might choose it for totally different reasons (e.g., personal illness, care of aging parent); but that way the State would not be discriminating.

- Idea of offering day care "chits"--in various amounts, like tuition reimbursement, paid back by the State.

- Deduction of day care expenses from salaries so the employee won't have to pay taxes on that amount.

- Need a way to guarantee continuing benefits (medical insurance, life insurance, long-term disability, etc.), during Leave Without Pay without the need to come back into pay status. A suggestion was made that deductions be taken out in advance, since one day per month back in pay status may not cover all benefits depending on the employee's voluntary deductions.

Agency Support

- Some agencies are simply not as supportive as others. Some agencies demonstrate little flexibility and seem to penalize employees for their child care needs; while others are very helpful and accommodating.

- With budget and administrative concerns, etc., it seems that accommodating employee child care needs are a very low priority for most agencies.

- Employees are encouraged that Governor Gardner requested this legislation, and they are encouraged by his covening of the Day Care Task Force; however, the general feeling expressed was the Governor's support needs to be better communicated to agency directors.

- Top agency management must be educated regarding the child care dilemma facing working parents. Managers are unwilling to pay for what isn't needed; therefore, they must be convinced that it is needed.

- There does not appear to be an adequate sharing of information between agencies. Some agencies who have successfully used, say, part-time/tandem employment, should be sharing this so others might be encouraged to do so.

Day Care--Provision

- The State's day care pilot project is too small. It does not accommodate enough State employees' children.

- Many questions were raised regarding the site selection for the day care pilot project and why there aren't more such projects. There were comments made that when the State leased all the Plum Street buildings (Olympia), a child care facility should have been placed there.

- Rates at the pilot project center are prohibitive; many State employees cannot afford the fees.

- Suggestion made to run the pilot project center as a nonprofit organization to enable it to charge lower rates.

- There was a general feeling expressed that the legislation requiring the Department of General Administration to conduct a feasibility study of providing space for day care in or near state-owned or leased facilities (HB 1635) was a positive step by the Legislature.

- For persons desiring part-time employment, the cost of day care can be prohibitive. Most day care providers (including the State's pilot project) will accept children on a part-time basis, but charge at the full-time rate. Employees expressed a concern that the State is supporting the pilot project and yet it will not take part-time children without charging full rates.

- Problems were noted in finding quality child care at reasonable prices--and in getting children into such programs due to the waiting lists.

- Suggestion that perhaps the State should have a program to subsidize the cost of child care. The State, in effect, subsidizes other kinds of benefits (e.g., employee parking), so why not child care?

- One employee provided an example of a working parent's income less rent and daycare costs, along with what this individual would receive on public assistance and with food stamps. In the example provided, the individual would have more money each month on assistance by not having to pay child care costs. The employee brings up the question, "Why work when one would be almost better off not?", and noted that anything that can be done for single working parents, State employees or otherwise, would be a vast improvement.

- Given the low rates paid to child care providers, suggested that perhaps the State should operate its own child care program and hire State employees at more reasonable salaries to administer quality child care.

- A question was raised as to why the public schools aren't being used for school age children for before and after school and summer vacation care.

- Some employees feel that the Department of Social and Health Services (DSHS) should be made aware of how many day care alternatives they are eliminating due to their licensing regulations. It was noted that due to the stringency of these regulations, many potential providers cannot afford to ready a facility, and there was some feeling that these regulations are too stringent.

- DSHS inspections of day care facilities are not as often as they should be which contributes to a lesser quality of day care being offered in some licensed facilities.

Miscellaneous

- Feeling that the State must be careful not to refer to pregnancy as a "disability;" that this term may have negative connotations and we need to be as positive as possible, to change attitudes to a positive way of thinking.

CONCLUSIONS AND RECOMMENDATIONS

Employee input indicates that there are areas where rule modifications would serve to create a more supportive atmosphere in which employees could meet their child day care needs.

Based on the institutions' responses to the survey questionnaire, it is apparent that the majority opinion of those institutions is that the current rules and practices adequately accommodate working parent concerns.

In order to carry out the directive of EHB 1656, and to ensure greater consistency in the application of rules pertinent to working parent concerns, staff will propose to the Higher Education Personnel Board that rules be modified to include the following concepts:

Allow sick leave use to care for an ill child; i.e. beyond providing immediate necessary care in an emergency situation.

Allow sick leave use for non-illness related child care emergencies; i.e. absence of regular care provider.

An absence resulting from a child care emergency may be charged to accrued sick leave, vacation leave, compensatory time, or leave of absence without pay. Such use of vacation leave, leave of absence without pay, and compensatory time will not require prior approval by the employing official.

Leave of absence without pay may be granted to either parent for newborn and adoptive child care.

For purposes of maternity leave, use of accrued vacation leave and leave of absence without pay shall be granted for the duration of the disability period if the employee has not accrued sufficient sick leave. The length of the disability period shall be defined.

Establish flex-time schedules and offer schedule options to employees where feasible.

Address flexible work place opportunites. This may encourage greater utilization of such options.

Define job sharing arrangements. This will serve to increase employee awareness of a possible alternative to full-time employment.

State higher education personnel law, RCW 28B.16.090, states that rules "shall be acted on only after the board has given twenty days' notice to, and considered proposals from, employee representatives and institutions or related boards affected." The Higher Education Personnel Board is thus precluded by law from adopting rules of its own volition without considering system input. Therefore, the final outcome of the above proposals will reflect this participatory style of rule development.

A more supportive atmosphere for working parents could be further enhanced

through the establishment of institutional policies which allow parents to make and receive phone calls for family problems (not just dire emergencies). Such telephone access may well reduce stress caused by parental concerns.

The following innovations in employer provided child care benefits may be worthy of the Legislature's consideration:

Parent Seminars
Seminars which focus on spending quality time with one's family, managing work and family responsibilities, locating quality child care, and identifying community resources for working parents could be held on-site during employees' lunch breaks.

Child Care Information/Referral Service
The day care licensing agency could publish a booklet listing and describing services available in communities. Personnel offices could then provide this information to interested employees. In addition to providing employees with a listing of child care providers, a referral service could also screen child care options in order to tailor the options to the needs of the employee; i.e. fees, hours, type of care, etc.

Vouchers
Some parents are most in need of financial assistance to aid in paying for dependable services. The cost of child care could be subsidized by providing vouchers for partial payment to a licensed care provider. Vouchers could be a component of a flexible benefits plan.

Flexible Benefits
Flexible benefit plans allow employees to choose from among various benefit options, allowing employees to design a package which better serves individual needs. Benefit options could include child care services or vouchers.

CONCLUSIONS AND RECOMMENDATIONS

Based on review of the statutes and rules, responses to the agency survey questionnaire, and the input from State employees, we have reached some conclusions and, where appropriate, have made recommendations.

It should be noted that while the data from the agencies represents a large proportion of the employers, the employee input portion includes only a minute percentage of the State employee population.

Additionally, while we have attempted to outline the major items/issues of concern in this portion of the report, the entire input as provided should be closely examined for other issues, concerns, practices, etc.

LEAVE FOR CHILD CARE REASONS

-The Civil Service Law, 41.06 RCW, authorizes the State Personnel Board to adopt rules concerning leave; it does not specifically address leave for child care reasons. The Board has adopted several Merit System Rules pertaining to the use of paid and unpaid leave for child care.

-The Rules allow agencies to grant up to six months unpaid leave for Newborn-Adoptive Child Care (MSR 356-18-150). The Rules also allow a general twelve-month leave without pay (MSR 356-18-140) that could be used in addition to the specific six-month Newborn-Adoptive Child Care leave. Potentially, then, an employee could use 18 months of unpaid leave to care for his/her child.

-Most agencies are flexible in granting employees the amount of leave requested. The length of leave has varied from as little as one work day to six months.

-Most agencies and employees are not aware of the additional twelve-month leave without pay option permitted by the Rules. This could conceivably have caused employees to resign to stay at home with their children beyond six months, thereby losing their former seniority upon resignation.

-Many requests for child care leave without pay are for less than the six-month maximum (most probably due to economic reasons).

Recommendation: The Rules appear to be adequate in this area; however, the data suggests the agencies and employees need to be better informed of the option available to request/grant an additional leave without pay beyond the six-month

child care leave, thereby potentially allowing employees an 18-month leave without loss of previous seniority. Recommend the Department of Personnel take steps to ensure this provision is understood by agencies/employees.

PAID SICK LEAVE USE IN CONJUNCTION WITH LEAVE WITHOUT PAY

-The Rules allow the use of paid sick leave for disability due to pregnancy/childbirth, and for the illness, injury, or preventative health care of the employee and members of the employee's household.

-Some agencies allow unlimited use of sick leave in conjunction with Newborn-Adoptive Child Care leave without pay.

-Most agencies allow use of sick leave only during periods of actual disability, illness, etc.

-Agencies have differing views of what constitutes "disability" due to childbirth (e.g., 4-6 weeks, only the time in hospital, etc.).

-Some physicians issue medical statements for natural mothers of newborns, while others do not; this results in obvious inconsistencies in use of sick leave.

-There was a mixed response from the agencies as to whether employees should be able to utilize accrued sick leave in conjunction with Newborn-Adoptive Child Care leave absent any disability or illness.

-Discrimination issues may be raised by allowing such unlimited use of sick leave to only one group of employees.

Recommendation: There are obvious discrepancies in the allowance of paid sick leave use in conjunction with leave without pay. The Department of Personnel intends to propose a revision to the Merit System Rules to clarify the conditions under which sick leave currently can and cannot be used.

PAID LEAVE TO PROVIDE FOR INSURANCE BENEFIT PAYMENT

-Employees on leave without pay (regardless of the reason for the leave) do not receive State-paid insurance benefits.

-Almost all agencies allow employees on Newborn-Adoptive Child Care leave without pay to return to paid leave, at least one day per month, to ensure their employee insurance benefits are paid by the employer.

-The existing provisions allow employees to use their accrued vacation leave in conjunction with unpaid child care leave.

-Some employees believe benefits should be paid during leaves without pay without the employee returning to paid leave.

Recommendation: Recommend no change to current provisions; however, the Department will take action to ensure this provision is communicated to all agencies and employees.

SENIORITY ACCRUAL DURING NEWBORN-ADOPTIVE CHILD CARE LEAVE

-The Rules do not allow employees to accrue seniority while on Newborn-Adoptive Child Care leave. Seniority continues to accrue on certain other types of leave without pay such as educational leave.

-Approximately one-half of the responding agencies favor seniority accrual during Newborn-Adoptive Child Care Leave and believe such leave is as important to the State as the other types of leave that do allow seniority credit accrual.

-Agencies opposing this accrual have legitimate reasons for their opposition (e.g., inequal treatment for others who take leaves, seniority should reflect time worked, etc.).

Recommendation: A study of other public and private employers' practices should be conducted to determine how the State compares.

SICK LEAVE USE FOR EMERGENCY CHILD CARE

-The Rules allow the granting of paid sick leave for emergency care of a child in the custody of and residing in the home of an employee. The Rule indicates such leave will "normally" be limited to one day per incident and three days per calendar year, unless extended by the appointing authority.

-Most agencies are flexible in administering this provision.

-Employee input does not suggest a problem with the Rule.

Recommendation: There does not appear to be any substantial reason to propose changes to the current Rules. Recommend no change.

PRIORITY REEMPLOYMENT OF EMPLOYEES WHO RESIGN FOR CHILD CARE REASONS

-The Rules do not provide for priority reemployment of those who resigned from State service for child care purposes and now wish to return. Such persons are treated equally to those who resigned for reasons other than child care.

-A majority of the agencies oppose creation of a new register to allow such employees priority reemployment opportunities.

-Many agencies feel all employees who resign should be treated equally for reemployment.

-Employee input did not suggest a need for priority reemployment.

Recommendation: There does not appear to be substantial rationale to provide priority reemployment opportunities for employees who resign for child care reasons. Many employees have other compelling reasons to resign (e.g., care for dying parent, critical illness of family members, etc.), and should have equal access back to State employment.

REINSTATEMENT OF SENIORITY UPON REEMPLOYMENT

-The rules currently do not allow for the reinstatement of seniority when a former employee re-enters State service.

-Approximately one-half of the responding agencies oppose reinstatement of seniority upon reemployment.

-Many of the agencies supporting this concept feel that all persons who are reemployed should have their seniority reinstated.

Recommendation: Recommend no change to the current provisions. While reinstatement of seniority upon reemployment would be of benefit to employees who resign for child care reasons, there are many other compelling reasons for resignation. Additionally, such reinstatement could cause problems in a reduction-in-force situation.

TANDEM/PART-TIME EMPLOYMENT

-The Rules clearly allow for part-time employment (i.e., less than 40 hours/week) and tandem employment (job-sharing).

-Agencies appear to be flexible in arranging for part-time employment; there are hundreds of part-time employees in the Merit System.

-Tandem employment is not in widespread use among agencies. Many indicated that only limited kinds of positions lended themselves to tandem employment.

-Tandem employment may create fiscal problems for agencies due to the need to pay full employee benefits for each employee. The Department of Personnel has considered the notion of a prorated insurance system for employees who work other than full-time. Such an approach would cause multiple insurance packages based on the amount of time worked. It is felt such a system would require a change in law, would be quite costly to administer, and may have an adverse effect on premium rates.

-Tandem employment creates a problem for employees due to a Retirement System (PERS Plan 2) requirement to work at least 90 hours a month to receive retirement credit. The Department of Retirement System notes that changing this requirement would require a statutory revision and would mean increased costs to the State as it would be making contributions to the retirement system for employees not currently covered.

Recommendation: Recommend no change to existing provisions.

FLEXIBLE WORK SCHEDULES

-RCW 41.04 and the Merit System Rules require agencies to adopt policies providing for the use of flex-time. The Rules require that the flex-time schedules contain mandatory core work hours and starting and quitting times of other than the normal 8 a.m. to 5 p.m. Employing agencies have the discretion to grant or deny employees' requests for flex-time.

-Most agencies have developed flex-time schedules with various combinations of start-end times, ranging from 6:30 a.m. - 3:30 p.m. to 9:00 a.m. - 6:00 p.m. A large number of employees presently use such flex-time schedules.

-Some agencies experience various difficulties with the flex-time concept; commonly concerning supervisory coverage.

-The use of "pure" flexible work schedules, where employees work 40 hours per week in any fashion that meets their needs, does not appear to be offered by the agencies. Pure flex-time might better accommodate employees' child care needs.

Recommendation: The Federal Fair Labor Standards Act, and the Merit System Rules governing employee work schedules, would make the use of "pure" flexible work schedules virtually impossible for all but "Exception" work period employees. In addition, agencies would experience greater difficulty in managing programs and delivering services with such scheduling flexibility. Recommend no change to the current provisions.

FLEXIBLE WORKPLACE/LOCATIONS

-The Rules are silent on the issue of flexible workplace. Therefore, the employing agency has the discretion to allow an employee to work at home rather than in the office (or some other flex-place arrangement).

-Few agencies utilize such options. Most agencies do not feel such options are workable or feasible.

-The agencies that have utilized flexible workplace/locations have done so on a limited basis, e.g., field employees who have few office duties work out of their homes; data processing personnel who have computer terminals in their homes.

-Employee input did not suggest a demand for such options.

Recommendation: It appears that, where they can, agencies have attempted to accommodate employee needs. However, many functions cannot be performed away from the usual designated work site. There is an expressed feeling that with the increased use of personal computers, such options may become more prevalent.

There is currently no specific mention of flexible workplace/locations in the Merit System Rules. The Department of Personnel will propose addition of a definition in the Merit System Rules to encourage more agencies to consider these options where appropriate.

COMMUNICATION OF PERSONNEL RULES TO EMPLOYEES/MANAGERS

-At present, there is no centralized on-going effort to inform/educate employees and managers of the provisions in the Merit System Rules that specifically address working parents' child care concerns.

-Agencies utilize a variety of methods to inform their employees and supervisors/managers of the personnel rules.

-Some agencies have no consistent process for informing staff, but rely on the employees to request specific information.

-Employee input suggests that employees have no guaranteed way of knowing what options are available to them under the Merit System Rules.

Recommendation: There is a need to ensure all employees, supervisors, and managers are aware of the provisions of the Merit System Rules. While agency discretion is normally authorized, employees should still be aware of the options available to them under the Rules so they may present requests to their agency management. Recommend a brochure or other written material be designed by the Department of Personnel to be shared with all employees on a routine basis. Also, recommend that DOP, in consultation with the other agencies, offer short courses to educate employees of their "child care" options under the Rules.

INFORMATION AND REFERRAL SERVICES

-Currently, there are community-based organizations in various locations throughout the State that offer information and referral services within their communities. A plan for a network of day care resource and referral services was included in the Department of Social and Health Services' application for Federal funds available through PL 98-558. The plan includes creation of a day care network and small seed grants to community-based resource and referral programs.

-The need for information and referral services did not surface through employee input. Rather, the need for quality care at reasonable rates was a key issue raised.

-A report from the Institute for Public Policy (see "Other Related Studies" on page 37) will more completely address Information and Referral Services and their benefits to both employees and employers.

Recommendation: Recommend any statute or rule changes be pended for further study of the DSHS resource and referral network plan and the report of the literature review by the Institute for Public Policy.

DAY CARE--FACILITIES/SUBSIDIES

Since the legislation required a study of pertinent statutes and rules of our system, the Department of Personnel did not specifically address the provision of day care in its study. However, many concerns and suggestions were expressed by both the agencies and employees in relation to the State's involvement in day care. While the complete information supplied is included in the text of the study, the following summarizes the key ideas expressed.

-Suggestions were made that employee child care centers should be established in locations where State agency operations exist if there is a demand for such services. Such centers should have 24-hour schedules to accommodate all shifts rather than just 8:00 a.m. - 5:00 p.m. and rates should be based on family income.

-Due to the low rates currently paid to child care providers, suggestions were made that perhaps the State should operate its own child care program and hire State employees at more reasonable salaries to administer quality child care.

-It was suggested that the State should subsidize the cost of child care for its employees.

-Public schools should be used to provide before and after school and vacation care for school-age children.

OTHER RELATED STUDIES

While the scope of this study did not include an extensive review of literature relating to employer-provided child care benefits, a report is available from the Institute for Public Policy of The Evergreen State College.

Additionally, the six-month evaluation report of the Washington State Employees Child Care Demonstration Project, as established in RCW 41.04, was completed by the Department of Personnel in September. This report has been shared with the Legislature. Additional copies are available by contacting Lou Ann Dunlap, Special Projects Coordinator, Department of Personnel.

SUMMARY

While there are some revisions that can be made to the existing Merit System Rules, the system does have a great deal of flexibility in dealing with employee child care concerns. Perhaps the most apparent result of the study is the need to gain a greater consistency in agency administration of the Rules. Some agencies appear to demonstrate great flexibility in administering the Rules; others demonstrate little.

Agencies could be further encouraged by the Legislature, the Governor, and through any other appropriate means, to consider employee needs to the extent possible. Certainly this legislatively-mandated study, in large part, has provided some encouragement toward that end.